

U.S. Department of Labor

Occupational Safety and Health Administration
Chicago North Area Office
701 Lee Street, Suite 950
Des Plaines, Illinois 60016



September 24, 2019

Matt Kasper
Energy and Policy Institute
PO Box 577764
Chicago, IL 60657

**RE: Freedom of Information Act Request, SIMS #882746
Dynegy Illinois, Inspection #1305368**

Dear Mr. Kasper:

Thank you for your Freedom of Information Act Request regarding the above inspection. Your request has been processed and a release of information has been prepared. You will note some information has been removed from the documents. This is authorized under the rules and regulations, including exemptions, contained in the Freedom of Information Act. Exemptions for the actual deleted sections are indicated on each page and, for your convenience, a general description of the exemptions has been enclosed.

The file contains commercial information that arguably may be protected under Exemption 4. We are taking no action on the release of this information because it relates only tangentially to the investigation that is the subject of your request. Where there is a reasonable expectation that release of information could cause commercial or competitive harm, we are required by Executive Order 12600 and the Department of Labor's regulations at 29 C.F.R. §70.26 to contact the submitter before releasing the information. We must allow the submitter to provide its views regarding public disclosure of this information. If we undertook this procedure in your case, it would delay this decision and likely would not result in the release of any additional relevant information. Consequently, in order to process your request as promptly as possible, we have not processed this information with the rest of your request. **If you are interested in obtaining this commercial information, please contact us, and we will process it in accordance with Executive Order 12600 and DOL regulations.**

You have the right to appeal this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statements or arguments. The appeal should also include a copy of your initial request and a copy of this letter.

If you appeal, you may mail your appeal to: Solicitor of Labor, U.S. Department of Labor, Room N-2420, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Alternatively, you may email your appeal to foiaappeal@dol.gov, or fax your appeal to (202) 693-5538. The envelope (if mailed), subject line (if emailed), or fax cover sheet (if faxed), and the letter indicating the grounds for appeal, should be clearly marked: "Freedom of Information Act Appeal".

In addition to filing an Appeal, you may contact the Office of Government Information Services (OGIS) or the Department's FOIA Public Liaison, Thomas G. Hicks, Sr. at (202) 693-5427 or hicks.thomas@dol.gov for assistance in resolving disputes. The Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal

agencies as a **non-exclusive** alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways to inquiry about their FOIA mediation services:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1-877-684-6448

It is also important to note that the services offered by OGIS, are not an alternative to filing an administrative FOIA appeal.

Sincerely,


Angeline Loftus
Area Director

Enclosure(s)

FREEDOM OF INFORMATION REQUEST EXEMPTIONS AND EXPLANATIONS

EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
5	Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.
6	This exclusion is intended to exclude from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
7a	Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
7c	The identification of a confidential source or confidential information furnished by a confidential source.
7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.

ABATEMENT SUMMARY

Inspection No. 1305368

Company Name: Dynegey Illinois, Inc. dba Kincaid Generation, LLC

[illegible]

U.S. Department of Labor

Occupational Safety and Health Administration
1320 W Commerce Dr.
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326



Citation and Notification of Penalty

To:

Dynegy Illinois, Inc., dba Kincaid Generation, LLC
and its successors
PO box 260
Kincaid, IL 62540

Inspection Number: 1305368**Inspection Date(s):** 03/27/2018 - 03/27/2018**Issuance Date:** 04/18/2018**Inspection Site:**

199 Illinois 104
Kincaid, IL 62540

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/18/2018. The conference will be held by telephone or at the OSHA office located at 1320 W Commerce Dr., Suite 800, Peoria, IL 61615 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1305368

Company Name: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection Site: 199 Illinois 104, Kincaid, IL 62540
Issuance Date: 04/18/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1320 W Commerce Dr., Suite 800, Peoria, IL 61615**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection Site: 199 Illinois 104, Kincaid, IL 62540

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by permit spaces.

On or about March 27, 2018, employees were exposed to potentially hazardous atmospheres presented by the permit spaces accessible through the 14-cyclone hatchways and the employer did not post danger signs or use another equally effective method to inform employees of the dangers posed by the permit spaces.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/17/2018
\$7391.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection Site: 199 Illinois 104, Kincaid, IL 62540

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

On or about March 27, 2018, employees were exposed to contact with an unprotected rotating shaft and the shaft was not protected by an enclosure at the following equipment:

- a) Conveyor 5B (ramp side); and
- b) Crusher 1B (West).

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/17/2018
\$7391.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection Site: 199 Illinois 104, Kincaid, IL 62540

Citation 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.219(c)(4)(i): Shaft ends projecting more than one-half the diameter of the shaft were not guarded by nonrotating caps or safety sleeves.

On or about March 27, 2018, employees were exposed to contact with unprotected rotating shafts and the shafts were not protected by caps or safety sleeves at the following equipment:

- a) Conveyor Line 5B (ramp side);
- b) Conveyor Line 5B (stair side); and
- c) Feeder 5B2.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/17/2018

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection Site: 199 Illinois 104, Kincaid, IL 62540

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 3 a Type of Violation: **Serious**

29 CFR 1910.307(b): Documentation for areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 was not available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location:

On or about March 27, 2018, employees installed, inspected, and maintained electric equipment in hazardous locations and the employer did not document the boundaries of each division or zone in the form of drawings that visually depict the boundaries or in text that precisely describes the extent of each hazardous location.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/17/2018
\$7391.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection Site: 199 Illinois 104, Kincaid, IL 62540

Citation 1 Item 3 b Type of Violation: **Serious**

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

On or about March 27, 2018, employees were exposed to smoke inhalation and burn hazards (combustible PRB coal dust) and the employer provided electrical equipment that was not safe for the hazardous (classified) location including:

- a) conduit plug missing near Feeder 6A; and
- b) unsecured conduit cover at the stairway landing of Conveyor 5B.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

Corrected During Inspection

A handwritten signature in black ink that reads "Barry Salerno".

Barry Salerno
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
1320 W Commerce Dr.
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326



INVOICE / DEBT COLLECTION NOTICE

Company Name: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection Site: 199 Illinois 104, Kincaid, IL 62540
Issuance Date: 04/18/2018

Summary of Penalties for Inspection Number	1305368
Citation 1, Serious	\$22173.00
TOTAL PROPOSED PENALTIES	\$22173.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

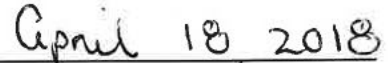
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Barry Salerno

Area Director



Date

U.S. Department of Labor - Occupational Safety and Health Administration

Inspection Report

Mon Apr 16, 2018 11:47:42 AM

RID	CSHO ID	Supervisor ID	Inspection Number	Optional Report Number	Case Closed Date
0524500	Ex 7c	T2567	1305368		

Establishment Name		Dynegy Illinois, Inc.		Doing Business As (DBA)		Kincaid Generation, LLC	
Establishment Owner Name	Private Sector	Type of Business	Corporation	Primary NAICS			221112
Site Address	199 Illinois 104 KINCAID, IL, 62540	Site Phone	(217)-237-0243	Extn		Site FAX	
Business Address	199 Illinois 104 KINCAID, IL, 62540	Business Phone	(217)-237-0243			Business FAX	
Mailing Address	PO box 260 KINCAID, IL, 62540	E-mail				Mobile Phone	
Site Activity		NAICS Inspected	221112			Days on Site	2
Federal EIN	Ex 4	DUNs		Temporary or Fixed Site?		Fixed Site	
State Estab Id		DUNS plus4		CAGE Code			
Construction Type							

Entry	27-MAR-2018	11:45 AM	First Closing Conference	27-MAR-2018	04:30 PM
Opening Conference	27-MAR-2018	12:45 PM	Second Closing Conference		
Walkaround	27-MAR-2018	01:30 PM	Exit	27-MAR-2018	05:00 PM

Inspection Initiating Type	Program Planned			Secondary Type	
Other Initiating Type				Inspection Category	Health
Scope of Inspection	Partial			Reason No Inspection	
Sampling Performed?	N	SVEP	N	Expln. for No Insp.	
Federal Strategic Initiatives					
National Emphasis	DUSTEXPL				
Local Emphasis					
Primary Emphasis	DUSTEXPL				

Employed in Establishment	140	Walkaround?	Y	Advance Notice?	N
Covered By Inspection	140	Interviewed?	Y	Flag for Follow-up	N
Controlled By Employer	2400	Union?	Y	Reason for Follow-up	
Is this Company a current federal contractor?	U				

Parent Company Legal Name		Parent Comp Trade Name/DBA	
Parent Company Address		Phone Number	Extn
TIN / EIN	DUNS		
CAGE Code	DUNS plus4		

Related Activity			
Activity Number	Activity Type	Satisfied	Establishment Name

Related Inspections		
Inspection Number	Establishment Name	Related Inspection Type

Additional Codes			
Type	ID	Value	Description

Employees Contacted	
Name	Ex 7c
Address	
Home	
Email	
Name	
Address	
Home	
Email	
Name	
Address	
Home	
Email	
Name	
Address	
Home	
Email	
Name	
Address	
Home	

Email		Participation	
Name	Ex 7c		
Address			
Home			
Email		Participation	

Union Information							
Union Name				Local		IBEW Local 15	
Rep Name		Tim Brown		Job Title		Maintenance, Coal Pusher	
Occupation				Interviewed?		Y	
Address							
Home		Work		Mobile	Ex 7c	Fax	
Email				Participation		Walk Around, Credentials, Closing Conference, Opening Conference	
Union Name				Local		IBEW Local 15	
Rep Name		Joe Dooley		Job Title		Maintenance, Coal Handling	
Occupation				Interviewed?		Y	
Address							
Home		Work		Mobile	Ex 7c	Fax	
Email				Participation		Walk Around, Credentials, Closing Conference, Opening Conference	

Penalty Adjustment Factors					
Size Reduction	0%	Good Faith Reduction	0%	History Reduction	0%
Size Justification	System, set it to 0% Number of Employees was changed	Good Faith Justification		History Justification	

CSHO Signature		Date	
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DYNEGY, INC. NARRATIVE
Inspection #1305368

PRIMARY ACTIVITY

During the course of the inspection the CSHO learned that Dynegy, Inc. is a coal fire power generation plant using PRB coal as its fuel source. While not listed as DBA by the State of Illinois, they internally distinguish themselves from the other Dynegy plants as Kincaid Generation, LLC. During the course of the inspection, the company was acquired by Vistra Energy.

NATURE AND SCOPE

This inspection of Dynegy, Inc. was initiated on Tuesday, March 27, 2018 as the result of a Programmed Inspection at the Peoria Area OSHA Office. See the unprogrammed activity report for additional information relating to this complaint. Team Leader Brian Bothast assigned the inspection.

OPENING CONFERENCE

An initial opening conference was held on Tuesday, March 27, 2018, with the following:

In Person

James Klenky, Managing Director
George Perkins, Senior Safety Specialist
Doug Black, Facilities Engineer
Tim Brown, IBEW Local 15
Joe Dooley, IBEW Local 15

Conference Call

John Kennedy, Dynegy VP of Operations
Joe Rivera, Dynegy Corporate Safety
Cynthia Vodopevic, Dynegy VP Safety
Bruce Raher, Dynegy Production Manager

The CSHO introduced herself, showed her credentials, and explained the purpose of the inspection. The CSHO obtained company information and was given permission to proceed with the inspection.

INSPECTION

On Tuesday, March 27, 2018, the walkaround inspection was conducted per the Field Operations Manual. During the walkaround portion of the inspection the CSHO was accompanied by Klenky, Perkins, Brown, and Dooley. During the course of the inspection the CSHO interviewed employees on site. Digital photographs were taken. The CSHO wore safety glasses, steel toed boots, and reflective vest during the walkaround portion of the inspection.

During the opening conference, Klenky and Perkins explained how they have been pursuing OSHA VPP status for several years and their last 'VPP audit' concluded in December 2016. Perkins, Brown, and several employees described their plant as being intensely focused on safety especially given the high combustibility of the PRB coal. Each of them recalled a worker fatality to which OSHA had responded. An employee suffered fatal injuries after opening conveyor door that had trapped PRB coals (hot) that caught fire. They said it was horrific and an eye opener for them because they had been using the same handling methods for the East coast coal that was not as flammable when they began using the Wyoming Powder River Basin (PRB) coal. PRB coal is classified as "sub-bituminous" and contains an average of approximately 8,500 btu/lb, with low Sulfur and contrasts with

eastern, Appalachian bituminous coal containing an average of 12,500 btu/lb and high sulfur. They said they simply had no idea that the coal was that much more combustible, but they learned and shared what they knew to as many of the other plants handling PRB coal as they could. As described by management and employees, this article summarizes some of the challenges faced by handling the PRB: <https://www.power-eng.com/articles/print/volume-117/issue-3/features/prb-coal-material-handling-challenges-and-solutions.html>. As they spoke with the other plants and continually improved their processes, they achieve Power Plant of the Year in 2001 and 2004 by the PRB Coal Users' Group which recognizes a power plant each year for its innovation and the implementation of "best practices and continual improvements in areas including safety, environmental performance, coal handling, boiler and combustion and risk management." Not only is this an achievement towards safety, but the recognized plant is featured in POWER magazine as one of their Plants of the Year and is inducted into the Power Plant Hall of Fame listed below.

The Kincaid Plant is no longer eligible to receive this award, so they sought to achieve VPP recognition. While they have not officially applied for VPP recognition, management has hired third party consultants (last completed in December 2016) to complete internal VPP assessments. Klenky and Perkins said they are working on the recommendations provided in the last report. Perkins shared the Narrative of the last report after the closing conference and there appeared to be several gaps to which the CSHO could see the company has made improvements. Similar to their consultant's recommendations, the CSHO advised the company to implement a process of making the programs, such as the Hazard Communication and Combustible Dust Programs, 'living documents' because they had not been updated in several years as noted in the management interviews and their lack of knowledge on the contents of each program. Importantly, the CSHO did not observe safety and health program areas that were not addressed. Perkins, who is also a Fire Chief with Chatham Fire Protection, runs the safety program from the standpoint of emergency response and hazard prevention in an Incident Management framework. He trains each employee on the hazards of the workplace and PRB coal, and their roll within emergency response ranging from the Operators responsible for plant operations while serving on the onsite Fire Brigade to the Coal Pushers and Maintenance (Instrument and Mechanical) who serve as back-up to the fire fighters on the brigade.

The CSHO observed engineering, administrative, and training controls in place to manage combustible dusts at the Kincaid Plant. Moisture in the coal can create a catastrophic fire and potential deflagration event, therefore, the handling of the coal at the piles is a continuous process of material handling with CAT D10s – pushing and pulling it into a dense pile atop the grating over the tunnels that begin the coal transport to the crushers and onto the conveyors. Coal movement at the Kincaid plant is monitored and controlled in the Control Room where the systems remotely monitor all aspects of coal movement at the plant through sensors and cameras placed along all conveyors/feeders/stackers/crushers/tippers, the boilers (including the cyclones), turbines, and eventually the post-combustion treatment of the ash and gases. The boilers are run under negative pressure which has effectively contained potential combustible PRB dust from leaving the 14-cyclones supplied by the feeders. The feeders are supplied by a network of conveyors (A and B side) that move coal from the crusher house 5-stories into the plant where the coal is distributed to the feeders/silos by gravity feed. All throughout the conveyor system, from the tunnels beneath the 2 to 3 stacks of coal in the yard, the coal temperature is monitored, fire suppression installed (all detector cabling was replaced in 2017), and dust suppression (water or water/soap) or dust collection is used. Any fugitive dusts are washed from all surfaces within the coal handling areas of the plant on a daily basis, usually beginning around 8:30 AM with refuse water circulated back to the onsite retention ponds.

Since most of the combustible matter in coal is carbon, when coal is stored in an atmospheric environment, the carbon slowly oxidizes to form carbon dioxide and carbon monoxide. As such, Kincaid has also placed carbon monoxide monitors in the tunnels and at the tipper rooms. PRB coal is also one of the highest hydrogen content coals and the atmospheric oxidation reaction of hydrogen forms water. The production of both water and carbon gases in the coal increase possibility of a combustion reaction because these reactions produce heat. Since coal is a relatively good insulator, much of this heat is trapped, increasing both the temperature and the rate of oxidation. Depending on how the coal is stored, heat production may substantially exceed heat loss to the environment, and the coal can self-ignite. Two mechanisms contribute to the rate of heat generation, coal

oxidation and the adsorption of moisture. The reactivity of coal is a measure of its potential to oxidize when exposed to air. The CSHO observed the presence of steam on the stacks of coal the Coal Pushers both and coal on the conveyors leaving the tunnels towards the crushers. The steam formation was controlled by the Coal Pushers working continuously to compact the coal and keep the conveyors fed with the coal and mist applicators along the conveyor that can also add a surfactant to the mist to increase the rate of droplet capture. The CAT D10s are equipped with fire suppression systems and cab air filtration. It had rained earlier in the day and the management explained that the moisture content of the coal was higher so the steam was more prevalent. The CSHO observed the density of the steam and wanted to evaluate the dust collection system because the steam appeared stagnant. The dust collection system was down for repair, but the heat detectors, carbon monoxide detection, mist applicator (no surfactant) and fire suppression systems remained operational. The dust suppression system is tested annually by a third party that also measures the static pressure drops along the system. They conduct this check annually to ensure the dust collectors are effective to remove the PRB dust. The fire suppression system is discharged monthly and it deluges all surfaces in the coal handling areas. This is done with the intent to flush the water from the system, deluge all coal handling spaces for housekeeping, and ensure the fire suppression is operating as designed. Intermittently, they also use the fire suppression system as a back-up to the mist/low moisture application system.

According to Hossfeld et al. "PRB COAL DEGRADATION – CAUSES AND CURES" explained, "The most dangerous scenario for spontaneous combustion is when wet and dry coal are combined; the interface between wet and dry coal becomes a heat exchanger (13) (Smith and other 1991). If coal is either completely wet or completely dry, the risk is substantially reduced. In general, the moisture content of coal increases with decreasing rank. For example, PRB coal has a higher inherent moisture content than bituminous B type coal." With this taken into account, each railcar load is documented with PBR specific data including the date mined and length of time in transit. If there is a doubt as to the moisture content or heat potential in the load, the Operations Supervisor of Kindaid/Dynegy will screen the railcar, both the rail documentation and when necessary direct temperature readings, before it is placed on the conveyor and sent to the stacker. While this is a manually overseen process, Kincaid has reportedly have not had any emergencies because of the new coal mixing in the stored stacks.

The most significant concern relative to combustible dust at the plant regards their electrical systems design and maintenance. As discussed earlier in this Narrative, the employer had a Combustible Dust Program, trained on the program, and had a number of specific engineering and administrative controls that were reviewed and revised as necessary (minimum quarterly). However, the CSHO discovered Klenky, Perkins, Black, Ex 7c Ex 7c did not know what hazardous location determination was made for the coal handling spaces. Upon review of both the training documents and the Combustible Dust Program, the CSHO found that the coal handling areas were determined to be Class II, Div. 2. When the CSHO discussed this with Perkins while stading near a Class I, Group D feeder, he said he just must have overlooked that aspect. The only place the classification was discussed was in the Definitions and Perkins said he'd make it a stronger point in the program. During the closing conference, Klenky disclosed that he was working with Corporate to improve Maximo, their work management software program, to specify the hazardous locations. While the electricians are trained and qualified to work on the electrical systems, the Union felt the quality of the training provided was not the same caliber as it had been 20-years ago.

Additional violations were observed. See OSHA 1Bs.

CLOSING CONFERENCE

A closing conference was held per the Field Operations Manual, onsite on April 3, 2018 at approximately 4:30 p.m. with Klenky, Perkins, and Brown. The CSHO discussed a recent hot spot event with the PRB coals beneath the stacks and a need to improve communication between management and all employees when an event occurs to which employees may perceive risk. Several employees were aware of a PRB coal fire which had been contained for two weeks, but were concerned that closure did not occur and their contractor hired to pump a PRB

slurry from a hopper had not completed the work at the time of interviews. There was also concern as to why the fire began in the first place when the 3C hopper was supposedly ran dry before switching back to the A and B sides of the stacks. While the employee's concerns were warranted, the Fire Brigade immediately responded to 3C and contained the fire with the clean-out of 3C being managed by a contractor using a slurry and pumper truck to remove approximately 100 cubic feet of material from the space. There were no injuries and it is believed no equipment damage. This event was similar to a fire or hazmat situation when an initial emergency response is made and hazard isolated that downgrades the situation to a clean-up or restoration stage. The communication broke down from management to the remainder of the affected employees working in areas of the plant maintenance. Klenky and George agreed they needed to do a better job and suggested they use a daily Green Sheet to communicate this information. Brown opined that the Green sheet would be day-old information and that the Supervisors can communicate the information. Klenky and George agreed to talk to their Supervisors.

The CSHO also discussed the company's Hazard Communication Program (Last updated 2012, GHS training provided), Respiratory Protection Program (men with facial hair on Fire Brigade), machine guarding, conveyor guarding, confined space marking (cyclones), overview of written components of the safety and health management system relating to their quest for VPP, and continuity of their safety programs while managing attrition. The CSHO received photos showing the electrical issues were abated and their attempt to abate the machine guarding issues, however, the machine guarding was not adequate as it still allowed employee exposure to the rotating parts. Klenky suggested to Perkins that they just call the company out of Chicago that their third party VPP consultant recommended and simply buy the machine guarding and avoid unnecessary delays by making the guards in-house. George agreed to make the call.

The employer rights and responsibilities following an OSHA inspection were then reviewed. The CSHO informed the employer that the OSHA Act prohibits employers from discharging or otherwise discriminating against an employee who has exercised any right under this law, including the right to make safety and health complaints or to request an OSHA inspection. Further, the employer was reminded that employees who believe they have been retaliated against for participating in a protected safety and health activity must file their complaints within 30 days of the alleged act of retaliation. There were no additional questions and the closing conference ended.

U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 04/17/2018

				Inspection Number	1305368
				Opt. Insp. Number	
Establishment Name	Dynergy Illinois, Inc.				
DBA Name	Kincaid Generation, LLC				
Type Of Violation	Serious	Citation Number	1	Item/Group	1 /
Number Exposed	140	No. Instances	1	REC	
Special Enforcement?			Employer's Relationship to Hazard		
Standard	1910.146(c)(2)				
Substance Codes			Photo/Video Number	01; 02	
Alleged Violation Description	<p>29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by permit spaces.</p> <p>On or about March 27, 2018, employees were exposed to potentially hazardous atmospheres present by the permit spaces accessible through the 14-cyclone hatchways and the employer did not post danger signs (or have other equally effective means) to inform employees on the danger posed by the permit spaces.</p>				
Recommended Abatement Action					

Penalty

Severity	Medium	
Severity Justification	burns, heat related illness	
Probability	Lesser	
Probability Justification	All employees were trained on confined space entry procedures and were aware of permit and non-permit spaces. ER did not post signs or have a list showing where the spaces were.	
Gravity	Moderate	Size
Gravity based Penalty	7391.00	Good Faith
Num Times Repeated		History
Multiplier	1	Quick Fix
Calculated Penalty	7391.00	Proposed Penalty
Proposed Penalty Justification:		

Abatement Details

4-23-18
Abatement Photos
RWD on 4/18 (Perkins)

Days to Abate	15 Wkg Days	Abatement Status	
User-entered Abatement Due Date		Date Abated	
Abatement Documentation Required?	No	Date Verified	
Abatement Completed Description:			

MultiStep Abatement

Type/Other Type	Days to abate	User entered Abatement Due Date	Completed(status)	Verify Date
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Employee Exposure

Exposure Instance	No. Exposed	Employer	Name and Address Telephone Numbers	Duration	Frequency	Proximity
8	1	Dynegy Illinois, Inc.	Tim Brown Home: Work: <div>Ex 7c</div> Fax:	16.00 year	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Joe Dooley Work: <div>Ex 7c</div> Fax: Home:	16.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	<div>Ex 7c</div> Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	<div>Ex 7c</div> Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate
8	1	Dynegy	<div>Ex 7c</div>	36.00 day	hours per	immediate

		Illinois, Inc.	Ex 7c		day	
			Work: Personal Mobile: Fax:			
8	1	Dynegy Illinois, Inc.	Ex 7c	37.00 day	hours per day	immediate
			Work: Personal Mobile: Fax:			

20. **Instance Description:** A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

a) **Hazards-Operation/Condition-Accident:** The Operators and Maintenance employees alike were exposed on a daily basis to all aspects of the coal handling lines, including the boiler where the coal was delivered to 14-cyclones from 14-gravity fed silos. The hatchways were large enough to enter, had the potential for heat and combustion by-product atmosphere, and were not designed for continuous occupancy. The employer did not mark the hatchways permit required confined space nor provide an equally effective means to inform the employees of the hazard of entering.

b) **Equipment:** 14-hatchways of the boilers

c) **Location:** Boiler Area

d) **Injury/Illness (and Justifications for Severity and Probability):**

e) **Measurements:** immediate

23. **Employer Knowledge:** George Perkins, Senior Safety Specialist, tours the plant spaces daily. George is responsible for the plant Confined Space Program. On March 27, 2018, he said the hatchways were not labeled and he did not have a list of the permit required confined spaces at the plant. He said that he knew there may be some of the confined spaces missing their labeling because after they painted all of the surfaces white about a year ago he noticed that some of the confined space signs were painted over. On March 27, 2018, Perkins said he'd look into labeling the cyclone hatchway doors. On April 3, 2018, Perkins said he was looking into the labeling for the hatchways and was having a hard time because the stickers would not withstand the heat of the boilers. He said he was looking into a metal sign that can be secured to the boilers instead.

24. **Comments:**

25. **Other Employer Information:**

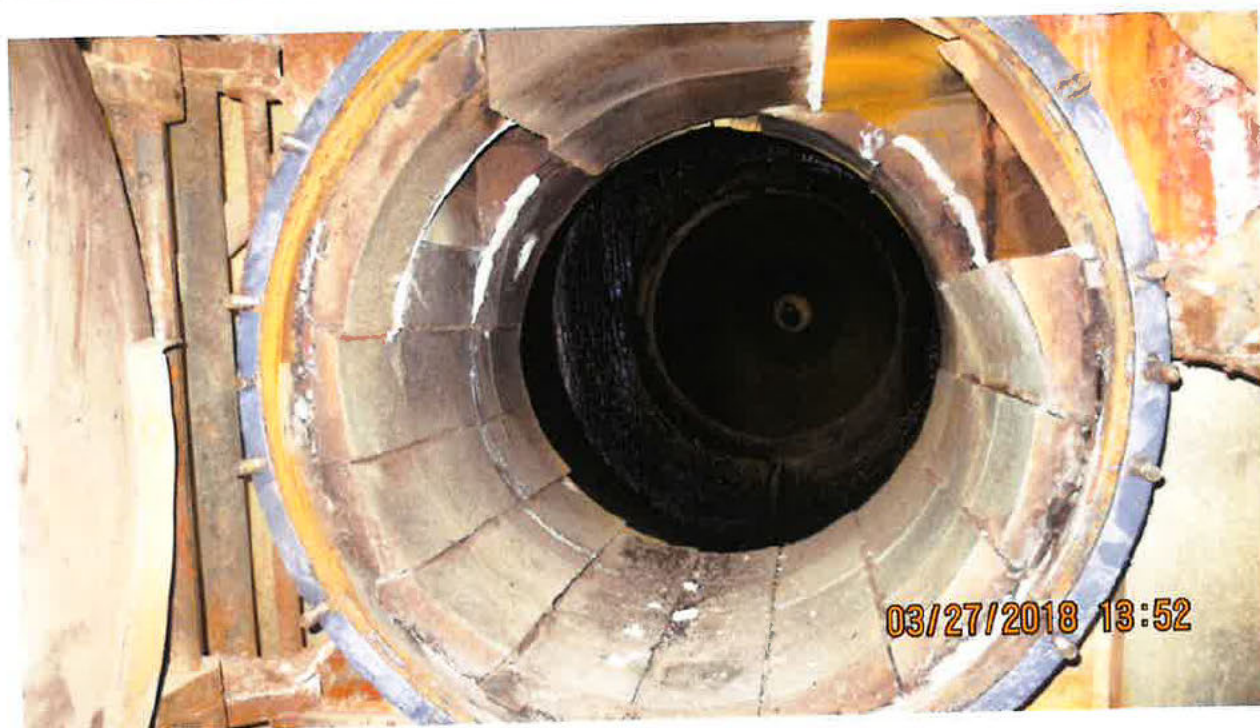
Photo Mounting Pages

DYNEGY, INC. 1305368

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by permit spaces.

On or about March 27, 2018, employees were exposed to potentially hazardous atmospheres present by the permit spaces accessible through the 14-cyclone hatchways and the employer did not post danger signs (or have other equally effective means) to inform employees on the danger posed by the permit spaces.

Photo 01(top) and 02 (bottom) taken March 24, 2018. Exemplar hatchway into boiler that was not labeled to inform employees about the permit confined space.



U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 04/17/2018

		Inspection Number		1305368	
		Opt. Insp. Number			
Establishment Name	Dynergy Illinois, Inc.				
DBA Name	Kincaid Generation, LLC				
Type Of Violation	Serious	Citation Number	1	Item/Group	2 / a
Number Exposed	140	No. Instances	1	REC	
Special Enforcement?			Employer's Relationship to Hazard		
Standard	1910.219(c)(2)(i)				
Substance Codes			Photo/Video Number	027; MVI 027; 090; 091	
Alleged Violation Description	<p>29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:</p> <p>On or about March 27, 2018, employees were exposed to contact with an unprotected rotating shaft and the shaft was not protected by an enclosure at the following equipment:</p> <p>a) Conveyor 5B (ramp side); and</p> <p>b) Crusher 1B (West).</p>				
Recommended Abatement Action					

Penalty

Severity	Medium		
Severity Justification	broken bones		
Probability	Lesser		
Probability Justification	Areas were intermittently occupied throughout the day by Kincaid and KM employees. EEs washed the spaces SAT/SUN and KM contractor EEs washed M-F.		
Gravity	Moderate	Size	0%
Gravity based Penalty	7391.00	Good Faith	0%
Num Times Repeated		History	0%
Multiplier	1	Quick Fix	0%
Calculated Penalty	7391.00	Proposed Penalty	7391.00
Proposed Penalty Justification:			

Abatement Details

Days to Abate	15 Wkg Days	Abatement Status	
User-entered Abatement Due Date		Date Abated	
Abatement Documentation Required?	No	Date Verified	
Abatement Completed Description:			

MultiStep Abatement

Type/Other Type	Days to abate	User entered Abatement Due Date	Completed(status)	Verify Date
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Employee Exposure

Exposure Instance	No. Exposed	Employer	Name and Address Telephone Numbers	Duration	Frequency	Proximity
8	1	Dynegy Illinois, Inc.	Tim Brown Home: Work: Ex 7c Fax:	16.00 year	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Joe Dooley Work: Ex 7c Fax: Home:	16.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c work: Personal Mobile: Fax:	10.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate

8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	36.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	37.00 day	hours per day	immediate

20. **Instance Description:** A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

a) **Hazards-Operation/Condition-Accident:** The Operators and Maintenance employees alike were exposed on a daily basis to all aspects of the coal handling lines and walked adjacent to unprotected rotating shafts of the listed equipment for inspection and maintenance. On Mondays thru Fridays, Kincaid also contracted with KM to wash down all of the spaces beginning at 8:30 AM, exposing the contract employees to the unguarded rotating shafts. On Saturdays and Sundays, Kincaid/Dynegy employees, including the Operators and Maintenance employees, washed down all of the areas because KM was not contracted to perform the weekend work.

Conveyor 5B did not have any guarding installed over the rotating shaft.

Crusher 1B (West) had an orange guard over part of the rotating shaft, but the guard did not cover the entire segment.

b) **Equipment:** a) Conveyor 5B (ramp side); and

b) Crusher 1B (West).

c) **Location:** Coal Handling Areas

d) **Injury/Illness (and Justifications for Severity and Probability):**

e) **Measurements:** a) Conveyor 5B (ramp side) - approximately 3-inches diameter and exposed 3-inches extended from the conveyor to a bushing.

b) Crusher 1B (West) -a approximately 4-inch diameter and exposed 3 and 5-inch ends from the shroud to the motor/bushing.

23. **Employer Knowledge:** James Klenky, Managing Director, and George Perkins, Senior Safety Specialist, tour the plant spaces daily. They said they were working to correct the machine guarding, explaining that they were correcting the areas as they came across them. During the closing conference, Klenky told Perkins they just needed to contact the company out of Chicago, IL to purchase the machine guards/caps to have a pre-made unit rather than trying to fabricate the guards in house. Klenky also explained that their third party VPP audit also discussed machine guarding with them and offered several manufacturers they could purchase them from, but they hadn't done so yet. Their internal VPP report was completed in December 2016.

24. **Comments:**

25. Other Employer Information:

Photo Mounting Pages

DYNEGY, INC. 1305368

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

On or about March 27, 2018, employees were exposed to contact with an unprotected rotating shaft and the shaft was not protected by an enclosure at the following equipment:

a) Conveyor 5B (ramp side);

Photo 024 (top) and MVI 027 (bottom) taken March 27, 2018 of unguarded rotating shaft that was not enclosed.

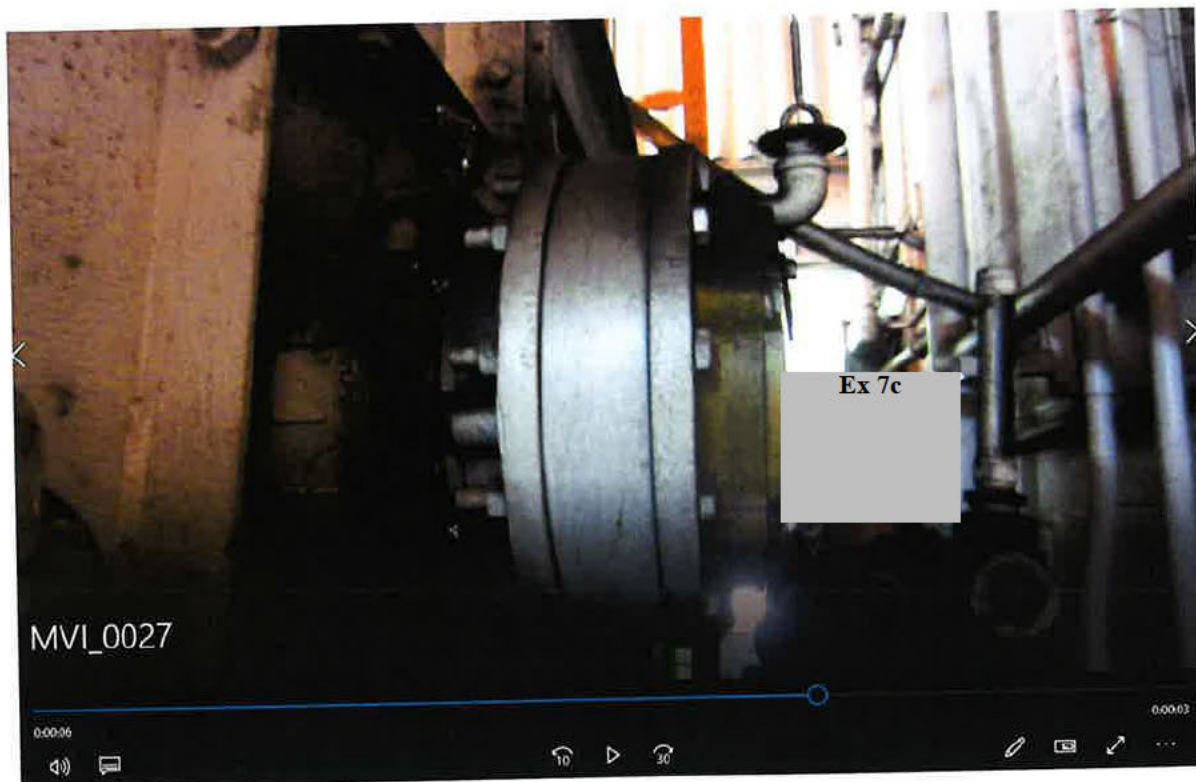


Photo Mounting Pages DYNEGY, INC. 1305368

b) Crusher 1B (West).

Photo 090 (top) and 091 (bottom) taken March 27, 2018. West 1B Crusher with exposed rotating shaft.



U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 04/17/2018

				Inspection Number	1305368
				Opt. Insp. Number	
Establishment Name	Dynergy Illinois, Inc.				
DBA Name	Kincaid Generation, LLC				
Type Of Violation	Serious	Citation Number	1	Item/Group	2 / b
Number Exposed	140	No. Instances	1	REC	
Special Enforcement?			Employer's Relationship to Hazard		
Standard	1910.219(c)(4)(i)				
Substance Codes			Photo/Video Number	MVI 027; 026; 024; 021	
Alleged Violation Description	<p>29 CFR 1910.219(c)(4)(i): Shaft ends projecting more than one-half the diameter of the shaft were not guarded by nonrotating caps or safety sleeves.</p> <p>On or about March 27, 2018, employees were exposed to contact with unprotected rotating shafts and the shafts were not protected by caps or safety sleeves at the following equipment:</p> <p>a) Conveyor Line 5B (ramp side);</p> <p>b) Conveyor Line 5B (stair side); and</p> <p>c) Feeder 5B2.</p>				
Recommended Abatement Action					

Penalty

Severity	Medium		
Severity Justification	broken bones		
Probability	Lesser		
Probability Justification	Areas were intermittently occupied throughout the day by Kincaid and KM employees. EEs washed the spaces SAT/SUN and KM contractor EEs washed M-F.		
Gravity	Moderate	Size	0%
Gravity based Penalty	7391.00	Good Faith	0%
Num Times Repeated		History	0%
Multiplier	1	Quick Fix	0%
Calculated Penalty	7391.00	Proposed Penalty	0.00
Proposed Penalty Justification:			

Abatement Details

Days to Abate	15 Wkg Days	Abatement Status	
User-entered Abatement Due Date		Date Abated	
Abatement Documentation Required?	No	Date Verified	
Abatement Completed Description:			

MultiStep Abatement

Type/Other Type	Days to abate	User entered Abatement Due Date	Completed(status)	Verify Date
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Employee Exposure

Exposure Instance	No. Exposed	Employer	Name and Address Telephone Numbers	Duration	Frequency	Proximity
8	1	Dynegy Illinois, Inc.	Tim Brown Home: Work: <div style="background-color: #cccccc; padding: 2px;">Ex 7c</div> Fax:	16.00 year	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Joe Dooley Work: <div style="background-color: #cccccc; padding: 2px;">Ex 7c</div> Fax: Home:	16.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	<div style="background-color: #cccccc; padding: 2px;">Ex 7c</div> Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	<div style="background-color: #cccccc; padding: 2px;">Ex 7c</div> Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate

8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	36.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	37.00 day	hours per day	immediate

20. **Instance Description:** A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

a) **Hazards-Operation/Condition-Accident:** The Operators and Maintenance employees alike were exposed on a daily basis to all aspects of the coal handling lines and walked adjacent to unprotected rotating shaft ends of the listed equipment for inspection and maintenance. On Mondays thru Fridays, Kincaid also contracted with KM to wash down all of the spaces beginning at 8:30 AM, exposing the contract employees to the unguarded shaft ends. On Saturdays and Sundays, Kincaid/Dynegy employees, including the Operators and Maintenance employees, washed down all of the areas because KM was not contracted to perform the weekend work.

b) **Equipment:** a) Conveyor Line 5B (ramp side);

b) Conveyor Line 5B (stair side); and

c) Feeder 5B2.

c) **Location:** Coal Handling Areas

d) **Injury/Illness (and Justifications for Severity and Probability):**

e) **Measurements:** a) Conveyor Line 5B (ramp side) - approximately 5-inch diameter and 4-inches projecting.;

b) Conveyor Line 5B (stair side) - approximately 5-inch diameter and 4-inches projecting.

c) Feeder 5B2 - approximately 10-inch diameter with 5-inches projecting.

23. **Employer Knowledge:** James Klenky, Managing Director, and George Perkins, Senior Safety Specialist, tour the plant spaces daily. They said they were working to correct the machine guarding, explaining that they were correcting the areas as they came across them. During the closing conference, Klenky told Perkins they just needed to contact the company out of Chicago, IL to purchase the machine guards/caps to have a pre-made unit rather than trying to fabricate the guards in house. Klenky also explained that their third party VPP audit also discussed machine guarding with them and offered several manufacturers they could purchase them from, but they hadn't done so yet. Their internal VPP report was completed in December 2016.

24. **Comments:**

25. **Other Employer Information:**

Photo Mounting Pages DYNEGY, INC. 1305368

29 CFR 1910.219(c)(4)(i): Shaft ends projecting more than one-half the diameter of the shaft were not guarded by nonrotating caps or safety sleeves.

On or about March 27, 2018, employees were exposed to contact with unprotected rotating shafts and the shafts were not protected by caps or safety sleeves at the following equipment:

a) Conveyor Line 5B (ramp side);

MVI_0027 taken March 27, 2017 of projecting shaft end on Conveyor 5B without cap or other means of guarding to prevent employee exposure. Walkway side of conveyor.

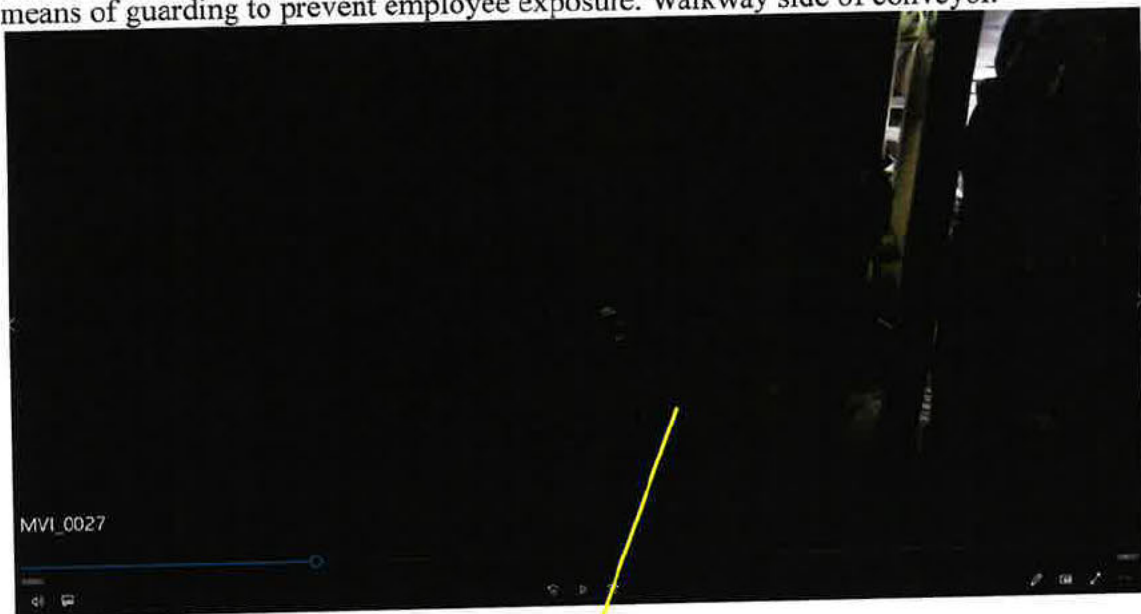
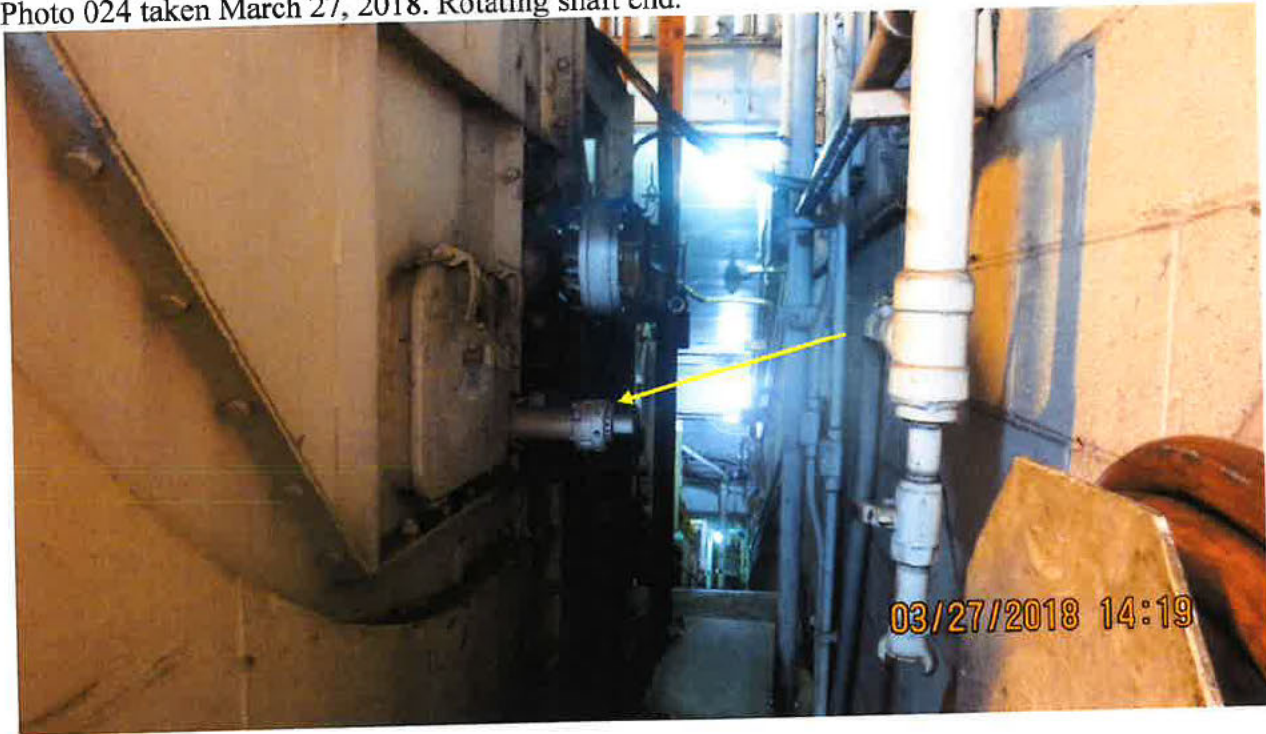


Photo 026 taken March 27, 2018. Ex 7c in walkway of rotating shaft end.



Photo Mounting Pages
DYNEGY, INC. 1305368

Photo 024 taken March 27, 2018. Rotating shaft end.



b) Conveyor Line 5B (stair side);

Photo 021 taken March 27, 2018. Unprotected rotating shaft. Opposite side of the rotating shaft shown in the ramp area above.



Photo Mounting Pages
DYNEGY, INC. 1305368

c) Feeder 5B2.

Photo 044 taken March 27, 2018 of exposed rotating shaft end.



U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 04/17/2018

Inspection Number	1305368
Opt. Insp. Number	

Establishment Name	Dynergy Illinois, Inc.				
DBA Name	Kincaid Generation, LLC				
Type Of Violation	Serious	Citation Number	1	Item/Group	3 / a
Number Exposed	140	No. Instances	1	REC	
Special Enforcement?		Employer's Relationship to Hazard			
Standard	1910.307(b)				
Substance Codes		Photo/Video Number			
Alleged Violation Description	<p>29 CFR 1910.307(b): Documentation for areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 was not available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location:</p> <p>On or about March 27, 2018, employees installed, inspected, and maintained electric equipment in hazardous locations and the employer did not document the boundaries of each division or zone in the form of drawings that visually depict the boundaries or in text that precisely describes the extent of each hazardous location.</p>				
Recommended Abatement Action					

Penalty

Severity	Medium	
Severity Justification	burns	
Probability	Lesser	
Probability Justification	Areas were washed own daily and more free combustible coal dust	
Gravity	Moderate	Size
Gravity based Penalty	7391.00	Good Faith
Num Times Repeated		History
Multiplier	1	Quick Fix
Calculated Penalty	7391.00	Proposed Penalty
Proposed Penalty Justification:		

Abatement Details

4-23-18

Abatement Photos

b) Crusher 1 B (West)

Photos Rec'd in

4/18/18 email (Pettins)

Days to Abate	15 Wkg Days	Abatement Status	
User-entered Abatement Due Date		Date Abated	
Abatement Documentation Required?	No	Date Verified	
Abatement Completed Description:			

MultiStep Abatement

Type/Other Type	Days to abate	User entered Abatement Due Date	Completed(status)	Verify Date
-----------------	---------------	---------------------------------	-------------------	-------------

Employee Exposure

Exposure Instance	No. Exposed	Employer	Name and Address Telephone Numbers	Duration	Frequency	Proximity
8	1	Dynegy Illinois, Inc.	Tim Brown Home: Work: Ex 7c Fax:	16.00 year	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Joe Dooley Work: Ex 7c Fax: Home:	16.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate

8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	36.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	37.00 day	hours per day	immediate

20. **Instance Description:** A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

a) **Hazards-Operation/Condition-Accident:** James Klenky (Plant Manager), Doug Black (Facility Engineer), nor George Perkins (Senior Safety Specialist) knew what the electrical classifications of the coal handling areas and referred the question to Mark Frost, an electrician that works in the coal handling areas. No designs or specifications within their work management system (Maximo) were used to distinguish the hazardous locations (electrical) from other areas. Orange warning signs for combustible dust were observed, but there was no indication specifically putting an employee on notice that this was a hazardous (classified) location.

Mark Frost, the EM/IM (electrical and instrumentation electrician) did not know what the electrical designations were for the hazardous areas. Frost practiced like-for-like replacement practices in the areas that contained combustible PRB coal (Coal: Sub Bituminous - C).

The PRB Coal/Combustible Dust Awareness Training was training Perkins provided to the employees. In the Powerpoint, under the definitions, the following statement referenced classification: "Coal Handling areas are designed as Class II, Division 2 locations, which require dust tight electrical equipment, lighting with protective covers, etc. Combustible Dust warning signs must be posted at entrances to Coal Handling Areas. ***This includes the unventilated spaces in side or above coal-storage silos or bungalows, or other enclosed storage and coal-handling spaces***all enclosed areas from the coal yard including crusher houses, tripper rooms, conveyor rooms, to the bunkers/silos." This PowerPoint was provided to the CSHO on 4/3/18, but on 3/27/18, management did not know what the designations were for the coal handling area despite the CSHO walking through some of the observed Class I Group G (flammable vapor) motors, variances in lighting fixture configuration, and the condition of two conduit runs where one had a plug missing in a conduit and another had the conduit cover unsecured and open with its enclosure (originally appeared like a rusted cover in the wash down area near 5B, but was later found to be incorrectly sized cover for the installation, whereby allowing combustible dusts to enter the electrical system.

Additionally, Klenkey and Perkins were also responsible for the company's Combustible Dust Program ADM-SAFE-0-006 (last revised 8/3/2012 by Ex 7c). Again, under definitions, the program states "Coal Handling Areas - areas throughout the property that are unventilated spaces inside or above coal storage silos and bunkers, other enclosed coal storage and coal-handling paces. Coal handling areas are designated as Class II, Division II locations. Also, under daily washing paragraph 6.1.8 (B), between wash down instructions, there is a statement, "Electrical rating in the coal handling areas are rated Class 2, division 2) and the attachment lists the quarterly inspection schedule which is to be completed internally by management, including the Safety Specialist, George Perkins.

b) **Equipment:** documentation for designated hazardous (classified) locations.

c) **Location:** Coal Handling Areas

d) Injury/Illness (and Justifications for Severity and Probability):

e) Measurements: immediate

23. Employer Knowledge: James Klenky (Plant Manager), Doug Black (Facility Engineer), nor George Perkins (Senior Safety Specialist) knew what the electrical classifications of the coal handling areas. They worked in the coal handling areas daily and knew the presence and risk of the combustible coal dust. Klenky and Perkins were also responsible for the company's Combustible Dust Program ADM-SAFE-0-006 (last revised 8/3/2012 by **Ex 7c**). **Ex 7c** Though the program and training extensively used the terms Class II Division2, Perkins and Klenky did not know about the electrical designations and deferred to Frost, though an electrician for 36-years at the plant, did not know of the classification and only understood to replace like-for-like. The electrical system protections afforded by the Class II, Division 2 discussions in the Combustible Dust Program from 2012 and the annual training on combustible dust were not properly documented to allow management, the electrician, nor the operators access to information necessary to ensure maintenance of the electrical system's integrity had it been properly documented.

24. Comments: During the closing conference on April 3, 2018, Klenke said he was in discussions with the Maximo experts at their headquarters in Texas to see if they can incorporate the hazardous (classified) locations into the work management system. He believed using Maximo to identify the specific hazardous locations would be the best.

25. Other Employer Information:

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=19269&p_table=federal_register

ORC Worldwide recommended that OSHA clarify what employers must include in their documentation of hazardous locations in a nonmandatory appendix. As noted earlier, final Sec. 1910.307(b) requires

documentation that denotes the boundaries of each division or zone. ~~The documentation may be in the form of drawings that visually depict the boundaries or in text that precisely describes the extent of each hazardous location.~~ Examples of acceptable documentation are contained in the NEC (see, for example, Figure 514.3, showing the extent of Class I, Division 1 and 2 locations surrounding motor fuel dispensers, commonly known as gasoline pumps) and in several national consensus standards included in Appendix A to Subpart S (see, for example, ANSI/API RP 505-1997, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, or Zone 2). Because these standards are already listed in Appendix A, OSHA does not believe it is necessary to include a separate appendix on the documentation requirements in final Sec. 1910.307.

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	National Electrical Code 2008 Edition; Article 514 Motor Fuel Dispensing Facilities									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	3 Pages 70-410, 70-413 & 70-414									
INFORMATION	© National Fire Protection Association									

EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
2b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
5	Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.
6	This exclusion is intended to exclude from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
7a	Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
7c	The identification of a confidential source or confidential information furnished by a confidential source.
7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.

Burden hours: 25 new establishments x .13 hour = 3 hours
Cost: 3 hours x \$35.55 = \$107

▪ **§1910.307(b) -- Documentation**

Paragraph (b)--All areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 shall be properly documented. This documentation shall be available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location.

This documentation consists of area-classification drawings that provide information for designers, installers, inspectors, and other personnel who must ensure that electrical equipment installed and maintained at hazardous (classified) locations meets the certification requirements specified elsewhere in the Standard. The Agency assumes that 40% (2,000) of the new establishments will require this documentation (5,000 new establishments x .4 = 2,000 new establishments) for one of these locations, and that an electrical certified engineer takes four hours to produce this documentation. Consequently, the estimated total annual burden hours and cost for this documentation are:

Burden hours: 2,000 new establishments x 4 hours = 8,000 hours
Cost: 8,000 hours x \$55.03 = \$440,240

▪ **§1910.308(b) -- Emergency power system**

Paragraph (b)(3)(i)--A sign shall be placed at the service entrance equipment indicating the type and location of on-site emergency power sources. However, a sign is not required for individual unit equipment.

According to OSHA's estimates, an engineering manager takes one minute (.02 hour) to brief an EEET about the required task, and five minutes (.08 hour) for the EEET to place the sign. The Agency assumes that 30% (1,500) of the new establishments must acquire and place one of these signs (5,000 new establishments x .3 = 1,500 new establishments). The resulting annual total burden hour and cost estimates are:

Burden hours: 1,500 new establishments x .02 hour = 30 hours
1,500 new establishments x .08 hour = 120 hours
Total burden hours: 150 hours

Cost: 30 hours x \$78.93 = \$2,368
120 hours x \$35.55 = \$4,266
Total cost: \$6,634

Paragraph (b)(3)(ii)--Where the grounded circuit conductor connected to the emergency source is connected to a grounding electrode conductor at a location remote from the emergency source, there shall be a sign at the grounding location that shall identify all emergency and normal sources connected at that location.

To meet this requirement, the Agency estimates that an engineering manager takes one minute (.02 hour) to brief an EEET regarding the required task, and five minutes (.08 hour) for the EEET to place

U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 04/17/2018

		Inspection Number		1305368	
		Opt. Insp. Number			
Establishment Name	Dynergy Illinois, Inc.				
DBA Name	Kincaid Generation, LLC				
Type Of Violation	Serious	Citation Number	1	Item/Group	3 / b
Number Exposed	140	No. Instances	1	REC	
Special Enforcement?			Employer's Relationship to Hazard		
Standard	1910.307(c)				
Substance Codes			Photo/Video Number	019	
Alleged Violation Description	<p>29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:</p> <p>On or about March 27, 2018, employees were exposed to smoke inhalation and burn hazards (combustible PRB coal dust) and the employer provided electrical equipment that was not safe for the hazardous (classified) location including:</p> <p>a) conduit plug missing near Feeder 6A; and</p> <p>b) unsecured conduit cover at the stairway landing of Conveyor 5B.</p>				
Recommended Abatement Action					

Penalty

Severity	Medium	
Severity Justification	burns	
Probability	Lesser	
Probability Justification	Areas were washed own daily and more fr combustibile coal dust	
Gravity	Moderate	Size
Gravity based Penalty	7391.00	Good Faith
Num Times Repeated		History
Multiplier	1	Quick Fix
Calculated Penalty	0.00	Proposed Penalty
Proposed Penalty Justification:		

4/23/18
Abatement RWD 4/19/18
(Beckins)
Guarding for
Feeder 5B2

Abatement Details

Days to Abate	15 Wkg Days	Abatement Status	Corrected During Inspection
User-entered Abatement Due Date		Date Abated	04/04/2018
Abatement Documentation Required?	No	Date Verified	
Abatement Completed Description:	Plug installed and cover replaced to effectively close the openings.		

MultiStep Abatement

Type/Other Type	Days to abate	User entered Abatement Due Date	Completed(status)	Verify Date
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Employee Exposure

Exposure Instance	No. Exposed	Employer	Name and Address Telephone Numbers	Duration	Frequency	Proximity
8	1	Dynegy Illinois, Inc.	Tim Brown Home: Work: Ex 7c Fax:	16.00 year	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Joe Dooley Work: Ex 7c Fax: Home:	16.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	10.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile:	10.00 day	hours per day	immediate

			Fax:			
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	36.00 day	hours per day	immediate
8	1	Dynegy Illinois, Inc.	Ex 7c Work: Personal Mobile: Fax:	37.00 day	hours per day	immediate

20. **Instance Description:** A. Hazard B. Equipment C. Location D. Injury/Illness E. Measurements

a) **Hazards-Operation/Condition-Accident:** A condolet at the stairwell of Conveyor 5B had a cover that was not secured and the inner wiring showing. After inspection, the employer discovered the wrong size cover was installed on the box so the cover could not be secured in place. Additionally, a condulet at the Feeder of Conveyor 6A had a plug missing from the box. In both instances, combustible PBR coal is present in the space and all combustible dust is washed down daily as part of the housekeeping program at the plant. With the electrical system open at both points, combustible dust may enter the conduit with a potential ignitions source.

James Klenky (Plant Manager), Doug Black (Facility Engineer), nor George Perkins (Senior Safety Specialist) knew what the electrical classifications of the coal handling areas and referred the question to Ex 7c that works in the coal handling areas. No designs or specifications within their work management system (Maximo) were used to distinguish the hazardous locations (electrical) from other areas. Orange warning signs for combustible dust were observed, but there was no indication specifically putting an employee on notice that this was a hazardous (classified) location.

Ex 7c did not know what the electrical designations were for the hazardous areas. Ex 7c practiced like-for-like replacement practices in the areas that contained combustible PRB coal (Coal: Sub Bituminous - C).

The PRB Coal/Combustible Dust Awareness Training was training Perkins provided to the employees. In the Powerpoint, under the definitions, the following statement referenced classification: "Coal Handling areas are designed as Class II, Division 2 locations, which require dust tight electrical equipment, lighting with protective covers, etc. Combustible Dust warning signs must be posted at entrances to Coal Handling Areas. ***This includes the unventilated spaces in side or above coal-storage silos or bungalows, or other enclosed storage and coal-handling spaces***all enclosed areas from the coal yard including crusher houses, tripper rooms, conveyor rooms, to the bunkers/silos." This PowerPoint was provided to the CSHO on 4/3/18, but on 3/27/18, management did not know what the designations were for the coal handling area despite the CSHO walking through some of the observed Class I Group G (flammable vapor) motors, variances in lighting fixture configuration, and the condition of two conduit runs where one had a plug missing in a condolet and another had the condolet cover unsecured and open with its enclosure (originally appeared like a rusted cover in the wash down area near 5B, but was later found to be incorrectly sized cover for the installation, whereby allowing combustible dusts to enter the electrical system.

Additionally, Klenkey and Perkins were also responsible for the company's Combustible Dust Program ADM-SAFE-0-006 (last revised 8/3/2012 by **Ex 7c**). Again, under definitions, the program states "Coal Handling Areas - areas throughout the property that are unventilated spaces inside or above coal storage silos and bunkers, other enclosed coal storage and coal-handling paces. Coal handling areas are designated as Class II, Division II locations. Also, under daily washing paragraph 6.1.8 (B), between wash down instructions, there is a statement, "Electrical rating in the coal handling areas are rated Class 2, division 2) and the attachment lists the quarterly inspection schedule which is to be completed internally by management, including the Safety Specialist, George Perkins.

b) **Equipment:** Conveyor 6A - missing plug on electrical box

Conveyor 5B stairwell - unsecured electrical cover

c) **Location:** Coal Handling Areas

d) **Injury/Illness (and Justifications for Severity and Probability):**

e) **Measurements:** immediate

23. **Employer Knowledge:** James Klenky (Plant Manager), Doug Black (Facility Engineer), nor George Perkins (Senior Safety Specialist) knew what the electrical classifications of the coal handling areas. They worked in the coal handling areas daily and knew the presence and risk of the combustible coal dust. The operators inspect the spaces daily, but said they did not pay particular attention to the electrical systems. Perkins said they inspect the facilities quarterly under their Combustible Dust Program, but said there is no real emphasis on the electrical systems. Klenky and Perkins explained that they have been working on improving the electrical in plant for years and fixing things as they noticed them. The Operators explained that they have lists of items they know needs repaired, but sometimes they are just not gotten to quickly enough. Perkins explained that they do try to get to repairs, such as the electrical, but they were having a harder time than they used to because they are operating with fewer people to get the same amount of work done.

24. **Comments:** During the closing conference on April 3, 2018, Klenke said he was in discussions with the Maximo experts at their headquarters in Texas to see if they can incorporate the hazardous (classified) locations into the work management system. He believed using Maximo to identify the specific hazardous locations would be the best so they could maintain the electrical system design.

25. **Other Employer Information:**

Photo Mounting Pages

DYNEGY, INC. 1305368

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

On or about March 27, 2018, employees were exposed to smoke inhalation and burn hazards (combustible PRB coal dust) and the employer provided electrical equipment that was not safe for the hazardous (classified) location.

Photo 019 of Feeder 6A. Plug missing from condolet in PRB coal handling area.



CDI ON 4/4/18. PHOTO EMAILED BY PERKINS.

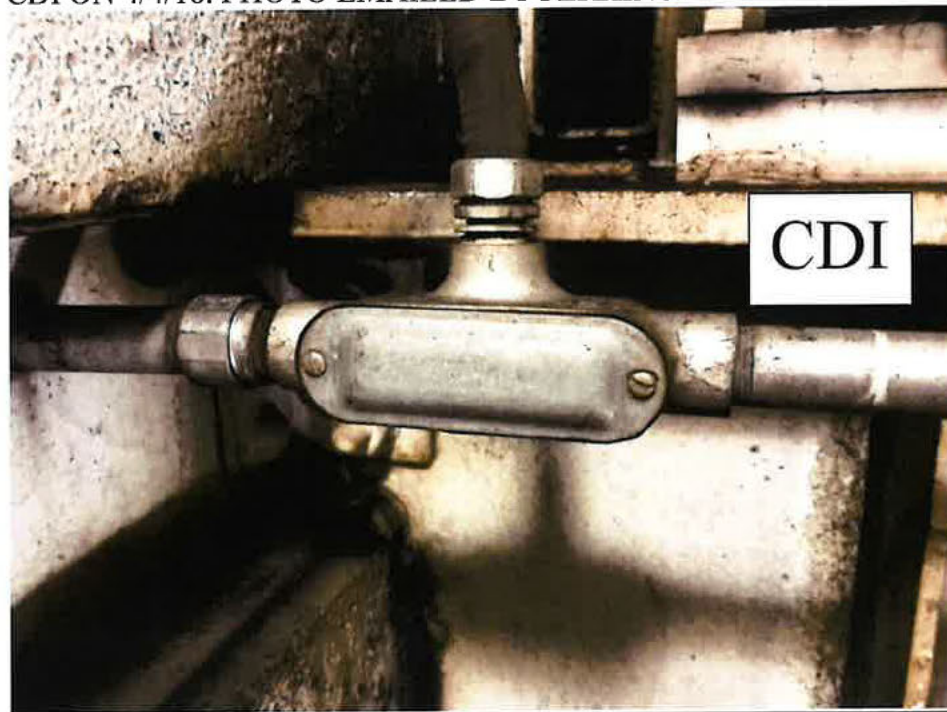


Photo Mounting Pages
DYNEGY, INC. 1305368

Exemplar Photo of CSHO observance on March 27, 2018 - conduit cover that was correctly sized.



CDI ON 4/4/18. PHOTO EMAILED BY PERKINS.




**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	Gap Analysis, Worksite Analysis, Hazard Prevention & Control and Safety & Health Training Narratives									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	34									
INFORMATION	EHS Excellence Consulting LLC									

EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
2b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
5	Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.
6	This exclusion is intended to exclude from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
7a	Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
7c	The identification of a confidential source or confidential information furnished by a confidential source.
7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.

>300ppm Fresh air supply (SCBA)
If all used in well ventilated area no respiratory protection required, if in confined space fresh air supply (SCBA) required

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; height: 40px; vertical-align: bottom;">Placed By</td> <td style="width: 40%; height: 40px; vertical-align: bottom;">Operational Test Required?</td> <td style="width: 30%; height: 40px; vertical-align: bottom;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">Yes <input type="checkbox"/></td> <td style="width: 50%; text-align: center;">No <input type="checkbox"/></td> </tr> </table> </td> </tr> </table>	Placed By	Operational Test Required?	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">Yes <input type="checkbox"/></td> <td style="width: 50%; text-align: center;">No <input type="checkbox"/></td> </tr> </table>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Placed By	Operational Test Required?	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">Yes <input type="checkbox"/></td> <td style="width: 50%; text-align: center;">No <input type="checkbox"/></td> </tr> </table>	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
Yes <input type="checkbox"/>	No <input type="checkbox"/>					

Employee conducting the minor maintenance task shall review the safety/health items on the back of this work order prior to starting the task.
 (Complete Back Side)

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	Dominion Energy Services Co, Inc.-Kincaid, IL Safety & Health Program									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	18									
INFORMATION	Combustible Dust and Hazard Communications									



EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
2b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
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7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.

Safety Data Sheet

SECTION 1: PRODUCT AND COMPANY IDENTIFICATION

- | | |
|--|---|
| 1.1 GHS Product Identifier | Coal: Sub Bituminous – C |
| 1.2 Other Means of Identification: | |
| 1.2.1 Chemical Family | Sub Bituminous Coal, naturally occurring mineral (Carbon) |
| 1.3 Recommended use of chemical and restriction on use. | Electricity Generation |
| 1.4 Emergency Contact: | |
| 1.4.1 Company Identification (name and address & Website) | Cloud Peak Energy Resources LLC
505 South Gillette Avenue
Gillette, Wyoming 82716 |
| 1.4.2 For Information, Call (Phone number) | (307) 687-6000 |
| 1.4.3 Emergency Number, Call (Phone number) | (307) 687-6000 (Cloud Peak Energy Resources)
(800) 424-9300 (CHEMTREC) |
| 1.4.4 For CHEMTREC Assistance, Call (Phone number) | 1-800-424-9300 |
| 1.4.5 For International CHEMTREC Assistance, Call (Phone number) | 1-703-527-3887 |

SECTION 2: HAZARDS IDENTIFICATION

- | | |
|--|--|
| 2.1 Physical Hazards | Combustible black dust which may release CO _x , SO _x , or Methane upon combustion. Difficult to extinguish when burning. |
| 2.2 GHS Classification of the substance/mixture and any other national or regional information | |
| 2.2.1 GHS Classification | Flammable solids (Category 2)
Skin irritation (Category 2)
Eye irritation (Category 2B)
Respiratory tract irritation (Category 3)
Specific target organ toxicity, repeated exposure (Category 2)
"Coal dust cannot be classified as to its carcinogenicity to humans (group 3)" per IARC. |
| 2.2.2 Target Organs | Respiratory System |
| 2.3 GHS Label elements, including precautionary statements | |
| 2.3.1 Pictograms |   |
| 2.3.2 Signal Word | Danger |
| 2.3.3 Hazard Statements | H228: Flammable Solid.
H335: May cause respiratory irritation.
H373: Causes damage to organs through prolonged or repeated exposure. |

2.3.4. Precautionary Statements

P210: Keep away from heat/sparks/open flames/hot surfaces. No Smoking.
P261: Avoid breathing dust.
P280: Wear protective gloves/protective clothing/eye protection/face protection.
P264: Wash face, hands and any exposed skin thoroughly after handling.
P362: Take off contaminated clothing and wash before reuse.
P305+P351+P338: IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
P260: Do not breathe dust/fume/gas/mist/vapors/spray.
P270: Do not eat, drink or smoke when using this product.
P261: Avoid breathing dust/fume/gas/mist/vapors/spray.
P271: Use only outdoors or in a well-ventilated area.
P202: Do not handle until all safety precautions have been read and understood.
P281: Use personal protective equipment as required.

2.4. HMIS / NFPA Classification

2.4.1. HMIS Rating

Health Hazard	4
Fire Hazard	3
Reactivity Hazard	3
Personal Protection	E

1	SEVERE
2	SERIOUS
3	MODERATE
4	SLIGHT
5	MINIMAL

SECTION 3: COMPOSITION/INFORMATION ON INGREDIENTS SUBSTANCES

3.1. Chemical Identity

Coal: Sub Bituminous – C

3.2. CAS number and other unique identifiers

Chemical Ingredients	C.A.S. Number	% by Weight
Coal		
Carbon: Fixed	1333-86-4	32 - 41 %
Volatiles	Not Applicable	28 - 35 %
Moisture	Not Applicable	24 - 40 %
Ash	Not Applicable	3 - 9 %
Sulfur	7704-34-9	0.1 - 1.1 %
Silica	14808-60-7	1 - 3 %

Coal composition (% by weight) varies among different deposits of coal.

SECTION 4: FIRST AID MEASURES

- | | |
|-----------------|--|
| 4.1. Eyes | If irritation or discomfort exists, flush eyes lightly with water to remove dusts. |
| 4.2. Skin | Not hazardous – Wash exposed skin for hygienic purposes. |
| 4.3. Ingestion | Not hazardous – Avoid ingestion; may cause irritability of digestive system. |
| 4.4. Inhalation | If irritation or discomfort exists, remove the exposed individual to fresh air. |

SECTION 5: FIRE FIGHTING MEASURES

- | | |
|--|---|
| 5.1. Flammable Properties | |
| 5.1.1. Flash Point | Not Applicable (Solid) |
| 5.1.2. Flammable Limits | |
| LEL | Not Available (Solid) |
| UEL | Not Available (Solid) |
| 5.2. Suitable (and Unsuitable) Extinguishing Media | Water Spray (Fog), Foam, CO2 |
| 5.3. Fire & Explosion Hazards | Combustible Solid; Slightly explosive when exposed to flame. Avoid dust generation to minimize explosive hazard. Eliminate ignition source in areas of dust generation and accumulation to avoid explosion. |
| 5.4. Combustion Hazards | May produce COX, SOX and Methane upon combustion. |
| 5.5. Fire Fighting Equipment | Wear pressure demand Self-Contained Breathing Apparatus (SCBA) and full protective gear. |

SECTION 6: ACCIDENTAL RELEASE MEASURES

- | | |
|-----------------------------|---|
| 6.1. Spill Cleanup Measures | Spray lightly with water to avoid creating dust and sweep/shovel into suitable container. |
| 6.2. Personal Precautions | Wear appropriate respiratory protection for dust generation above occupational exposure limits. Refer to Section 8. |

SECTION 7: HANDLING AND STORAGE

- | | |
|------------------------------------|--|
| 7.1. Precautions for Safe Handling | Prevent exposure to high temperatures and flames. Prevent exposures to strong oxidizers. |
| 7.2. Hygienic Practices | Avoid creating dust. Wash exposed skin and clothes daily. |

SECTION 8: EXPOSURE CONTROLS / PERSONAL PROTECTION

- 8.1. Occupational Exposure Limits (Based on 8 Hours)

Chemical	OSHA – PEL
	TWA
Coal Dust (as respirable fraction < 5% SiO ₂ (Silica))	2.4 mg/m ³
Coal Dust (as respirable fraction >5% SiO ₂ (Silica))	<u>10 mg/m³</u> % SiO ₂ + 2

8.2. *Appropriate Engineering Controls*

Use sufficient ventilation to maintain exposure levels below occupational exposure limits.

8.3. *Personal Protective Equipment*

Respiratory Protection: Not required if dust levels are maintained below occupational exposure limits. For levels above the listed occupational exposure limits, wear an appropriate NIOSH approved respirator.

Gloves: None required. May be worn to avoid skin contact.

Protective Clothing: None required: Confine work clothing to workplace and wash daily.

Eye/Face Protection: Safety glasses or goggles.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES

9.1. <i>Appearance</i>	
9.1.1. <i>Form</i>	Solid
9.1.2. <i>Color</i>	Black
9.2. <i>Odor</i>	None
9.3. <i>Solubility</i>	Insoluble
9.4. <i>pH</i>	7
9.5. <i>Vapor Pressure</i>	<0.1 mm Hg
9.6. <i>Specific Gravity (H₂O = 1.0)</i>	1.3
9.7. <i>Flash Point</i>	Not Applicable (Solid)
9.8. <i>Flammable Limits</i>	
9.8.1. <i>LEL</i>	Not Applicable (Solid)
9.8.2. <i>UEL</i>	Not Applicable (Solid)

SECTION 10: STABILITY AND REACTIVITY

10.1. <i>Chemical Stability</i>	Stable
10.2. <i>Condition to Avoid</i>	Contact with strong oxidizers, especially when heated. High temperatures or flame.
10.3. <i>Incompatible Materials</i>	Strong Oxidizers; May cause fires.
10.4. <i>Hazardous Decomposition Products</i>	Releases carbon monoxide, carbon dioxide, sulfur monoxide, sulfur dioxide and methane upon combustion.
10.5. <i>Hazardous Polymerization</i>	Will not occur.

SECTION 11: TOXICOLOGICAL INFORMATION

11.1. <i>Likely routes of exposure</i>	Eyes, Skin Contact, Inhalation.
11.2. <i>Symptoms related to physical, chemical and toxicological characteristics.</i>	
11.2.1. <i>Skin</i>	Prolonged or repeated contact may cause irritation due to abrasiveness. Skin Absorption: Unlikely to occur.
11.2.2. <i>Eyes</i>	Contact with eyes by production of dust may cause irritation.
11.2.3. <i>Ingestion</i>	Relatively harmless.

11.2.4. <i>Inhalation</i>	Avoid inhalation of dust. Acute Effect: May cause irritation to respiratory system due to inhalation of high dust levels well above the 8-hour occupational exposure limits.
11.2.5. <i>Sensitization</i>	Not Available
11.2.6. <i>Medical Conditions Aggravated</i>	None expected; may aggravate pre-existing respiratory conditions such as bronchitis or asthma due to nuisance dust nature.
11.3. <i>Delayed and immediate effects and also chronic effects from short and long-term exposure.</i>	Inhalation: Repeated exposure over years may cause: Coal Worker's Pneumoconiosis or Silicosis.
11.4. <i>Numerical measure of toxicity</i>	
11.4.1. <i>Oral Toxicity</i>	No Data Available
11.4.2. <i>Dermal Toxicity</i>	No Data Available
11.4.3. <i>Inhalation Toxicity</i>	Main Target Organs (Respiratory / Lungs)
11.4.4. <i>Skin Corrosion/Irritation</i>	Skin Irritation
<i>Skin Irritation, Category</i>	Skin Irritation (Category 2)
11.4.5. <i>Serious Eye Damage/Eye Irritation</i>	Eye Irritation
<i>Eye Irritation, Category</i>	Eye Irritation (Category 2)
<i>Subcategory</i>	Eye Irritation (Category 2B)
11.4.6. <i>Mutagenicity</i>	Coal dust as a germ cell mutagen (Category 2) is not justified. WCA Report ¹
11.4.7. <i>Carcinogenicity</i>	Coal contains small amounts of Silica (Quartz). The International Agency on Research for Cancer (IARC) has classified Silica (Quartz) as a Group 1, known human carcinogen. However, IARC have also concluded that there was inadequate evidence in humans and in experimental animals for the carcinogenicity of coal dust, and that coal dust cannot be classified as to its carcinogenicity to humans.
11.4.8. <i>Teratogenicity</i>	"The available evidence is too weak to justify a classification of coal as a reproductive toxicant." WCA Report ¹

SECTION 12: ECOLOGICAL INFORMATION

12.1. <i>Ecotoxicity</i>	Laboratory assessments have concluded this product is not harmful to the marine environment based on criteria methodology of UN GHS Part 4 Guidance, Environmental Report, February 2013.
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SECTION 13: DISPOSAL CONSIDERATIONS

13.1. <i>Environmental Precautions</i>	Coal is not classified as a hazardous waste. Dispose of in an approved landfill or incinerate according to national and local standards.
--	--

SECTION 14: TRANSPORTATION INFORMATION

14.1.

	<i>Department of Transportation (DOT)</i>	<i>IATA</i>
<i>Shipping Name</i>	Coal, Sub Bituminous	Not Provided
<i>UN Number</i>	UN1361	Not Provided
<i>Packing Group (if applicable)</i>	III	Not Provided
<i>Transport Hazard Class(es)</i>	Flammable Solid	Not Provided
<i>Marine Pollutant</i>	Not Provided	Not Provided

IMO Classification of Oceanic Transportation Purposes

Coal cargos are classified under the IMO Code of Safe Practice for Solid Bulk Cargoes as a material potentially hazardous in bulk. Methane emissions, self-heating, oxidation and corrosion risk are properties and characteristics that may be associated with the carriage of coal in bulk.

SECTION 15: REGULATORY INFORMATION

15.1. *OSHA Hazard Communication Rule*

Some constituents in this product are considered to be hazardous and should be included in the employer's hazard communication program.

15.2. *Toxic Substance Control Act (TSCA)*

Listed as natural occurring substance.

15.3. *Resource Conservation and Recovery Act (RCRA)*

Not listed; and metals are below TCLP limits.

15.4. *Superfund Amendments and Reauthorization Act (SARA) Title III*

This product does not contain any hazardous chemicals subject to the reporting requirements of Section 313 of the Emergency Planning and Community Right-to-Know Act.

15.5. *California Proposition 65*

Crystalline Silica (CAS# 14808-60-7) is considered to be a carcinogen by the State of California.

15.6. *Hazard Symbols*



SECTION 16: OTHER INFORMATION

The information set forth above is based on information which Cloud Peak Energy Resources LLC believes to be accurate. No warranties expressed or implied are intended. The information is provided solely for your information and consideration. Cloud Peak Energy Resources assumes no responsibility for its use or reliance thereon.

Revision Date: July 2015

¹ World Coal Association, Report 2, Analysis of Coal Composition, Ecotoxicity and Human Health Hazards.

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	Training Completions Lists									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	15									
INFORMATION										

EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
2b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
5	Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.
6	This exclusion is intended to exclude from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
7a	Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
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7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	PRB Coal/Combustible Dust Awareness Training									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	24									
INFORMATION										

EXEMPTION	EXPLANATION
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**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	Kincaid Station Coal Handling Systems Plant Flow Diagram									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	1									
INFORMATION										

EXEMPTION	EXPLANATION
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~~1243~~ 4/9/18 George Perkins

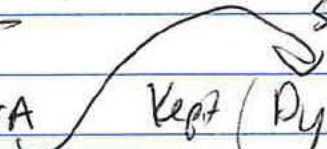
Her Adams came in hazard training
lost up sign-up

Gets when initially in 2013
to prob reinforced in training

We include in Hazard Training. For end,
work with her.

Operations: Lots part in emergency + day-to-day

(+)Video

Vistra  Kept (Pyneon) Subsidiary of Vistra

→ Tail gate
Timing

Horizon Products

Train Road 2017-18

VSDs

- electric plug sk
- electric plug + cover

- guarding fixed. ~~on the~~ Hammer
- caps line S
- conduct pro 2

Aston stop timing guarding/

Detector

delay valve all replace

flow test. to see flow test & diesel test seriously

SOS
 Ratings info KST?
 MICRato 0.80

- Deflagration Protection. → happens
- wet + Surfactant based fire suppression

- ? Isolation. Chokes, rotary valves, flame front diverters, fast acting valves
- replaced all fire lines.

o this can trigger housekeeping

Comdust. contained within dust control systems or other containers such as bins.

- housekeeping (what does) daily

o → emergency procedures → Blockages (Vacuum?)

o class II location
 Group IIA
 Class II Group D
 ↓
 Com dust

Wiring / motors Class I Group D

here *

Class I Group D
Class I Zone I Group IIA

 } Div. 1

Class I Flammable gas / Vapor
 Group D propane, acetone, methane, nat'l gas

VS Class II Com dust

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	Confidential Employee Interview Statements										
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f	
NO. OF PAGES	12										
INFORMATION											

EXEMPTION	EXPLANATION
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SB conveyor SBI. Can have 2 feeders

Class 1 Zonal Group 11A

Engine dead in feeder. Discharged at Lake H2O at Chicago valve B/F maint.

350V 3P Nema G vestinghouse 4A

Conveyor 4A RTV to pulch
SBI to weld repair
piled after AM work done.

Back side of unit \rightarrow made not of Better work done
behind unit

12-14K tons 1 train (day) (B) Unit up. 130
wash 2 conveyor in ~~1/8~~ Cars

33" \rightarrow (4ft) 60k fuel port

H2O vapor • Bearing bad left The 3rd level
Yesterday Maint D bearing out
Shore ordered. Wait on Shim.

• On fire Suppression system now
do run at suppression. intentional back-up plan had been done suppressed

Gen 314 feeds @ time to feed inside control building

Dis suppression → @ other end make disc. come on top

SB Conway

April 3 intru
→ 10 AM

Ex 7c

Boys, Jo, John

→ electrical
→ fire

→ MAINT))
→ Fire Maint))
→ contacts JSH labir.

All our position entry JSH/Sentry/Maint

SCR → DSI injection → Air heater → AET → ESP
all injection point (-) pressure. ASH system

(ESP) electrostatic precipitator. (Remove particulate matter)
all powder taken to system. Pneumatically (-) pressure
conveyed out

Flue gas to stack exhaust to atmosphere.

Fly Ash Injection to old cold mine (Mine 10)

Contractor transport + inject pneumatic trucks
+ H₂O sludge

Truck Point

Any Analysis for (Sulf. Diox. (Dommon)) compare VPP
PRV - combustible dust.

process same. all dust collection still same coal as Dominion
Belly had spontaneous combustion. → Copy of Report. See also conduct
? Transition Report. Internet, VPP audit @ Homepro. Essential for
Kinetic. KST-PRV

Fly Ash → similar(?) testing in Homepro Now. test today
w/ fly Ash. KST Value.

plan inter Dominion. Decide from Dominion. He has a tender 2013 idea.

PRV - wet. spontaneous combustion. H₂O + O₂ (coal pile) in low + good
part. H₂O carries. Anything burn. a fire is smaller ~~and~~ coal.

Shut down all coal handling every AM. takes dust out. 100% all powder
white for coal handling. PRV plant of the year 2x's.

gap analysis → understand gap analysis.

Coal fired power plant - 2 boilers

Coal across Road S. side and in. Conveyor across bld over.

forming P/B fuel by rail. Dumped S. of 104. Across conveyor to Coal P/B

Coal pit \rightarrow Hammer Mills for $1/4"$ smaller hammer mill

Transfer by Conveyor to Boiler House

Transfer Points w/in B/H to move fuel in B/H structure to
28 different silos

Silos Coal Source to feed into boilers.

Engg / Admin Controls,	Control Duct	Fuel handling
	fly Ash	Comb Duct

1 line diagram \rightarrow controls in process. Coal handling Rail car to B/H
for burning. General process of Boiler 4 start fans (+) pressure to maintain
FD fan fuel + combustion = Ratio
for combustion + safety control

ID fans (-) pressure. Boiler & all back
under (-) pressure low expectation

Control Boiler out. Can be excursions \rightarrow

or normal operation.

Dry Sorbent Injection

Injection system

Injection \rightarrow

Injection

Flu gas (Boiler gas exit)

SCR selective catalytic Reduce NOX
removal.

Sodium Bicarbonate. (another dust source)
(Activate carbon to capture fly
control)

Best single point of filter
Dust collection → pull dust off head

5 ft tail end wherever
Jost @ end of unit

GA
conveyor

Annual - Eng. controls for dust collection
PM already did collection
measure individual parts to get desired dust
too much @ pulls end of line

Annual calibration → PM

98% pass 1/4" sieve majority finer than 1/4" hole

Head/Tail SA - Vacuum system 14 - Unit 1
Unit 2
Main Bldg
Crusher house

5B Rotary Pneumatic feeder
Controls unit of work

An control is process of being upgraded

Georg. upgrade for fire controls

Dugan list - replace dust collector with

- spray station

- list of new valves & only delay valves

- outside conveyor work

Outside. Delay nozzle. Set-up for system. operational for 5 years
+ maintains conveyor

Plans to conveyor. BRASS outside. Upgrade equipment.
→ clean-up pick a rough top later when done.

5mp gals. 2 in cod handling. All pick dust up + take
back to coal pit.

Admin Shut unit v. MT coal silos that feed unit
Burs, freeze dist collector.

Rotate coal pile every 10-14 days + Refill.
2 active pile. Burn
Build

Compare to get smoldering.

Sel Powder River Basin
P R B Low Sulfur Coal

Just @ 5:00 PM + Dust Collector started Control Rm.
Process shut

Fill 2 reservoirs for emergency airside operator cab to get out,
manual trigger inside cab

Flame Scanner + ignition Scanner

Redundant 2 Flame Scanner
Flow in. Loss Scanner
Control shut off Coal System
Alert to pump fuel w/ no flame

2 Boiler

14 cyclone silo each

Does clean further drops coal to 14 cyclone
each Coal Silo has CO monitor.

CO for each Silo. ~~Redundant~~ Redundant by

220 drawings shut to keep fresh air in not d. grate to

Red → Coal handling into Silos

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	OSHA 300 & 300A Logs									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	13									
INFORMATION										

EXEMPTION	EXPLANATION
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As of : 03/28/2018 15:20:41

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DYNEGY INC. DBA DYNEGY INC.

Texas Taxpayer Number

Ex 4

Mailing Address

601 TRAVIS ST STE 1400 HOUST
TX 77002-3253

Right to Transact Business in Texas ACTIVE

State of Formation DE

Effective SOS Registration Date 04/03/2007

Texas SOS File Number 0800796786

Registered Agent Name

CAPITOL CORPORATE SERVICE
INC.

Registered Office Street Address

206 E. 9TH STREET, SUITE 1300
AUSTIN, TX 78701

OFFICE OF THE ILLINOIS SECRETARY OF STATE

JESSE WHITE
SECRETARY OF STATE

LLC FILE DETAIL REPORT

File Number	00063746		
Entity Name	KINCAID GENERATION, L.L.C.		
Status	ACTIVE	On	02/27/2018
Entity Type	LLC	Type of LLC	Foreign
File Date	04/01/1996	Jurisdiction	VA
Agent Name	CAPITOL CORPORATE SERVICES INC	Agent Change Date	04/23/2015
Agent Street Address	1315 W LAWRENCE AVE	Principal Office	601 TRAVIS STREET, SUITE 1400 HOUSTON, TX 77002
Agent City	SPRINGFIELD	Managers	View
Agent Zip	62704	Duration	12/31/2046
Annual Report Filing Date	02/27/2018	For Year	2018
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

[Return to the Search Screen](#)[Purchase Certificate of Good Standing](#)
(One Certificate per Transaction)

OTHER SERVICES

[File Annual Report](#)[Adopting Assumed Name](#)[Articles of Amendment Effecting A Name Change](#)[Change of Registered Agent and/or Registered Office Address](#)[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](#)

OFFICE OF THE ILLINOIS SECRETARY OF STATE

JESSE WHITE
 SECRETARY OF STATE

**CORPORATION FILE DETAIL REPORT**

File Number	60538115		
Entity Name	DYNEGY ILLINOIS INC.		
Status	DISSOLVED		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	06/11/1999	State	ILLINOIS
Agent Name	C T CORPORATION SYSTEM	Agent Change Date	01/09/2001
Agent Street Address	208 SO LASALLE ST, SUITE 814	President Name & Address	LYNN A LEDNICKY 1000 LOUISIANA #5800 HOUSTON TX 77002
Agent City	CHICAGO	Secretary Name & Address	VOLUNTARY DISSOLUTION 06 17 09
Agent Zip	60604	Duration Date	PERPETUAL
Annual Report Filing Date	05/26/2009	For Year	2009
Old Corp Name	01/04/2000 - ENERGY CONVERGENCE HOLDING COMPANY 04/10/2007 - DYNEGY INC.		

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VISTRA ENERGY AND DYNEGY TO COMBINE TO CREATE LEADING INTEGRATED POWER COMPANY

October 30, 2017

- Nearly \$4 Billion in Equity Value Projected to be Created via Expected EBITDA, Free Cash Flow and Tax Synergies, and Operational Improvements
- Combination Projected to Maintain Industry-Leading Strong Balance Sheet with Substantial Liquidity
- More Than \$5 Billion in Excess Capital Projected to Be Available for Capital Allocation Through 2022 with an Emphasis on Achieving 3 Times Gross Debt to EBITDA by Year-End 2019
- Combined Business Expected to Benefit from Earnings, Fuel, Market, and Geographic Diversification with Approximately 50 Percent of Gross Margin Projected from Capacity Payments and Retail
- Projected to Have Lowest Cost Structure in Industry with Benefits of Significant Economies of Scale and Best-in-Class Power Plant Operations
- Integrated Power Company with a Leading Position in ERCOT, PJM and ISO-NE; 40 Gigawatts (GW) of Installed Capacity with an Estimated 180 Terawatt Hours (TWhs) of Electricity Generated and Approximately 2.9 Million Retail Customers with an Estimated 75 TWh Hours of Load Served
- Dynegy's Leading CCGT Generation Fleet Provides Platform to Expand Vistra Energy's Premier Integrated ERCOT Model to the Midwest and Northeast
- Vistra Energy and Dynegy to Host-Conference Call at 8:30 am ET Today

IRVING, Texas and HOUSTON, Oct. 30, 2017 /PRNewswire/ -- Vistra Energy (NYSE: VST), the parent company for TXU Energy and Luminant, and Dynegy Inc. (NYSE: DYN) today announced that their Boards of Directors have approved, and the companies have executed, a definitive merger agreement pursuant to which Dynegy will merge with and into Vistra Energy in a tax-free, all-stock transaction, creating the leading integrated power company across the key competitive power markets in the United States. The resulting company is projected to have a combined market capitalization in excess of \$10 billion and a combined enterprise value greater than \$20 billion.

Under the terms of the agreement, Dynegy shareholders will receive 0.652 shares of Vistra Energy common stock for each share of Dynegy common stock they own, resulting in Vistra Energy and Dynegy shareholders owning approximately 79 percent and 21 percent, respectively, of the combined company. Based on Vistra Energy's closing share price of \$20.30 on October 27, 2017 and the aforementioned exchange ratio, Dynegy shareholders would receive \$13.24 per Dynegy share. Through the all-stock transaction, both Vistra Energy and Dynegy shareholders are expected to benefit from an estimated \$350 million in projected annual run-rate EBITDA value levers, additional annual free cash flow value levers of approximately \$65 million (after tax), and approximately \$500-600 million in projected net present value benefit from tax synergies.

The combination of Dynegy's generation capacity and existing retail footprint with Vistra Energy's integrated ERCOT model is expected to create the lowest-cost integrated power company in the industry and to position the combined company as the leading integrated retail and generation platform throughout key competitive power markets in the U.S. Together with Dynegy, Vistra Energy will serve approximately 240,000 commercial and industrial (C&I) customers and 2.7 million residential customers in five top retail states, with estimated retail sales of 75 terawatt (TWh) hours in 2018. The combined company will also own approximately 40 GW of installed generation capacity. Of that capacity, more than 60 percent is natural gas-fueled, and 84 percent is in the ERCOT, PJM, and ISO-NE competitive power markets.

Vistra Energy President and Chief Executive Officer Curt Morgan said, "This combination represents a transformative opportunity to create the leading integrated power company in the United States. Combining Vistra Energy's leading retail and commercial operations with Dynegy's leading CCGT fleet and geographically diverse portfolio is expected to create a company with significant earnings diversification and scale. The resulting combined enterprise is projected to have the lowest-cost structure in the industry and will benefit from weather and market diversification that, when combined with Vistra Energy's balance sheet strength, will provide a platform for future growth. The result will be a leading integrated power company with significant scale in the key U.S. competitive markets. We look forward to building on Vistra Energy and Dynegy's highly attractive business mix and asset quality to deliver enhanced value to current shareholders of both companies and attract and retain new investors on a long-term, sustainable basis."

Dynegy President and Chief Executive Officer Bob Flexon stated, "Our combination with Vistra Energy accelerates Dynegy's strategic initiatives of strengthening our balance sheet while creating the preeminent integrated power company. Vistra Energy's strength in retail combined with Dynegy's infrastructure and generation capabilities will provide an unmatched, highly efficient integrated business in key competitive markets. The premium offered to Dynegy shareholders reflects the quality of our generation assets and the retail business we have built over the past five years. In addition, with the all-stock transaction, shareholders of both companies will benefit from the significant projected synergies and financial flexibility enabled by the combined company's strong balance sheet and cash flow profile. We at Dynegy are proud of what we have accomplished, and we look forward to this exciting next step in the company's evolution."

Projected Strategic and Financial Benefits of the Combination

- **Creates Leading Integrated Retail and Generation Platform:** The combined company will have approximately 40 gigawatts (GW) of high-quality, low-cost, environmentally compliant power generation assets concentrated in ERCOT, PJM, and ISO-NE, the most desirable competitive markets in the U.S. Complementing the 12-state generation portfolio is a combined retail platform serving more than 2.9 million retail customers with an estimated 75 TWhs of electricity sales in 2018. The combined company's premier wholesale generation portfolio will serve as a platform for accelerated growth of this retail business. Approximately half of the combined company's gross margin is projected to be derived from capacity revenues and retail margin.
- **Significant Value Creation Opportunity Projected to Total Nearly \$4 Billion:** The combined company is projected to achieve approximately \$350 million in annual run-rate EBITDA value levers by streamlining general and administrative costs, implementing fleet-wide best-in-class operating practices, driving procurement efficiencies, and eliminating other duplicative costs. Vistra Energy estimates the full run-rate of EBITDA value levers will be achieved in approximately 12 months of closing. In addition, the combined company is expected to benefit from approximately \$65 million (after tax) of incremental annual run-rate free cash flow benefits from balance sheet and capital expenditure efficiencies. Finally, the combined company is expected to benefit from the utilization of approximately \$2.0-2.5 billion of legacy Dynegy Net Operating Losses (NOLs) with an estimated net present value of approximately \$500-600 million.
- **Strong Financial Profile:** The combined company is expected to have a strong financial profile with projected proforma liquidity of approximately \$3.9 billion as of April 30, 2018 and gross debt to EBITDA declining to the company's targeted 3 times by year-end 2019 (with net debt to EBITDA of 2.6 times by year-end 2019). With approximately \$14 billion of adjusted EBITDA expected to be generated between 2018 and 2022, the combined company is projected to have approximately \$5.5 billion in excess capital available for allocation toward balance sheet improvements (including any debt repayments required to achieve the company's 3 times gross debt to EBITDA target), growth investments, and other value accretive opportunities.

Management, Board of Directors and Headquarters

Following the close of the transaction, the combined company will be led by Curt Morgan as President and Chief Executive Officer. Bill Holden will serve as the Chief Financial Officer with Jim Burke as the Chief Operating Officer.

The Board of Directors is expected to have a total of 11 directors consisting of the current eight members of the Vistra Energy Board and three members from Dynegy's Board.

The Dynegy Board of Directors and Mr. Flexon have mutually agreed to extend his employment as permitted under the terms of his existing employment agreement for one year. Mr. Flexon will continue to serve as President and Chief Executive Officer of Dynegy through April 30, 2019 or the date the transaction closes, whichever comes first.

The combined company's headquarters will be in Irving, Texas. In addition, the combined entity has retail offices in Houston, Texas, Cincinnati, Ohio, and Collinsville, Illinois.

Conditions and Timing

The companies anticipate closing the transaction in the second quarter of 2018.

The transaction is subject to certain regulatory approvals, including expiration or termination of the applicable waiting period under the Hart-Scott-Rodino Antitrust Improvements Act, and approval by the Federal Energy Regulatory Commission, the Federal Communications Commission, the Public Utility Commission of Texas, the New York Public Service Commission, and other customary closing conditions. The transaction is subject to approval by the shareholders of Vistra Energy and Dynegy. In addition, the transaction will not require any refinancing of Vistra Energy's or Dynegy's debt, but preserves flexibility for opportunistic refinancing at, or after, closing.

Advisors

Citi is serving as financial advisor, Credit Suisse is serving as capital markets advisor, and Simpson Thacher & Bartlett LLP is serving as legal advisor to Vistra Energy.

PJT Partners and Morgan Stanley are serving as financial advisors and Skadden, Arps, Slate, Meagher & Flom LLP is serving as legal advisor to Dynegy.

Conference Call/Webcast

Vistra Energy and Dynegy will host a joint conference call to discuss the merger today at 8:30 am ET (7:30 am CT). The call will be webcast live at www.vistraenergy.com and www.dynegy.com. Alternatively, callers may dial (844) 579-6824 within the United States or (763) 488-9145 from outside the U.S. utilizing the Conference ID 3685219. It is recommended that participants call 20 minutes ahead of the scheduled start time.

Shortly before the conference call begins, slides will be posted under the investor relations sections of each company's website that will be referred to during the call.

A webcast replay and transcript of the call will be available approximately 24 hours following the call at www.vistraenergy.com and www.dynegy.com.

ABOUT DYNEGY

Throughout the Northeast, Mid-Atlantic, Midwest, and Texas, Dynegy operates 27,000 megawatts (MW) of power generating facilities capable of producing enough energy to supply more than 22 million American homes. With 17,000 MW fueled by natural gas and more than 9,000 MW fueled by coal, our plants can generate enough electricity to power more than 17 million homes. We generate power safely and responsibly for 1.2 million electricity customers who depend on that energy to grow and thrive.

ABOUT VISTRA ENERGY

Vistra Energy is a premier Texas-based energy company focused on the competitive energy and power generation markets through operation as the largest retailer and generator of electricity in the growing Texas market. Our integrated portfolio of competitive businesses consists primarily of TXU Energy and Luminant. TXU Energy sells retail electricity and value-added services (primarily through our market-leading TXU Energy™ brand) to approximately 1.7 million residential and business customers in Texas. Luminant generates and sells electricity and related products from our diverse fleet of generation facilities totaling approximately 18,000 MW of generation in Texas, including 2,300 MW fueled by nuclear power, 8,000 MW fueled by coal, and 7,500 MW fueled by natural gas, and is a large purchaser of renewable power including wind and solar-generated electricity. The company is currently developing one of the largest solar facilities in Texas by capacity.

CAUTIONARY NOTE REGARDING FORWARD-LOOKING STATEMENTS

The information presented herein includes forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995. These forward-looking statements, which are based on current expectations, estimates and projections about the industry and markets in which Vistra Energy and Dynegy operate and beliefs of and assumptions made by Vistra Energy's management and Dynegy's management, involve risks and uncertainties, which are difficult to predict and are not guarantees of future performances, that could significantly affect the financial results of Vistra Energy or Dynegy or the combined company. All statements, other than statements of historical facts, are forward-looking statements. These statements are often, but not always, made through the use of

words or phrases such as "may," "might," "should," "could," "predict," "potential," "believe," "will likely result," "expect," "continue," "will," "shall," "anticipate," "seek," "estimate," "intend," "plan," "project," "forecast," "goal," "target," "would," "guidance," and "outlook," or the negative variations of those words or other comparable words of a future or forward-looking nature. Readers are cautioned not to place undue reliance on forward-looking statements. Although Vistra Energy and Dynegy believe that in making any such forward-looking statement, Vistra Energy's and Dynegy's expectations are based on reasonable assumptions, any such forward-looking statement involves uncertainties and risks that could cause results to differ materially from those projected in or implied by any such forward-looking statement, including but not limited to (i) the failure to consummate or delay in consummating the proposed transaction; (ii) the risk that a condition to closing of the proposed transaction may not be satisfied; (iii) the risk that a regulatory approval that may be required for the proposed transaction is delayed, is not obtained, or is obtained subject to conditions that are not anticipated or that cause the parties to abandon the proposed transaction; (iv) the effect of the announcement of the proposed transaction on Vistra Energy's and Dynegy's relationships with their respective customers and their operating results and businesses generally (including the diversion of management time on transaction-related issues); (v) the risk that the credit ratings of the combined company or its subsidiaries are different from what Vistra Energy and Dynegy expect; (vi) adverse changes in general economic or market conditions (including changes in interest rates) or changes in political conditions or federal or state laws and regulations; (vii) the ability of the combined company to execute upon the strategic and performance initiatives contemplated herein (including the risk that Vistra Energy's and Dynegy's respective businesses will not be integrated successfully or that the cost savings, synergies and growth from the proposed transaction will not be fully realized or may take longer to realize than expected); (viii) there may be changes in the trading prices of Vistra Energy's and Dynegy's common stock prior to the closing of the proposed transaction; and (ix) those additional risks and factors discussed in reports filed with the Securities and Exchange Commission ("SEC") by Vistra Energy and Dynegy from time to time, including (a) the uncertainties and risks discussed in the sections entitled "Risk Factors" and "Special Note Regarding Forward-Looking Statements" in the Vistra Energy's prospectus filed with the SEC pursuant to Rule 424(b) of the Securities Act on May 9, 2017 (as supplemented), and (b) the uncertainties and risks discussed in the sections entitled "Risk Factors" and "Forward-Looking Statements" in the Dynegy's annual report on Form 10-K for the fiscal year ended December 31, 2016.

Any forward-looking statement speaks only at the date on which it is made, and except as may be required by law, neither Vistra Energy nor Dynegy undertake any obligation to update any forward-looking statement to reflect events or circumstances after the date on which it is made or to reflect the occurrence of unanticipated events. New factors emerge from time to time, and it is not possible to predict all of them; nor can Vistra Energy or Dynegy assess the impact of each such factor or the extent to which any factor, or combination of factors, may cause results to differ materially from those contained in any forward-looking statement.

ADDITIONAL INFORMATION ABOUT THE TRANSACTION AND WHERE TO FIND IT

This communication relates to the proposed merger pursuant to the terms of the Agreement and Plan of Merger, dated as of October 29, 2017, by and between Vistra Energy and Dynegy. The proposed transaction will be submitted to the respective stockholders of Dynegy and Vistra Energy for their consideration. In connection with the proposed merger, Vistra Energy expects to file with the SEC a registration statement on Form S-4 that will include a joint proxy statement of Vistra Energy and Dynegy that also constitutes a prospectus of Vistra Energy (the "joint proxy statement"), which joint proxy statement will be mailed or otherwise disseminated to Vistra Energy stockholders and Dynegy stockholders when it becomes available. Vistra Energy and Dynegy also plan to file other relevant documents with the SEC regarding the proposed transaction. INVESTORS ARE URGED TO READ THE JOINT PROXY STATEMENT AND OTHER RELEVANT DOCUMENTS FILED WITH THE SEC IF AND WHEN THEY BECOME AVAILABLE BECAUSE THEY WILL CONTAIN IMPORTANT INFORMATION ABOUT VISTRA ENERGY, DYNEGY, THE PROPOSED MERGER AND RELATED MATTERS. You may obtain a free copy of the joint proxy statement and other relevant documents (if and when they become available) filed by Vistra Energy and Dynegy with the SEC at the SEC's website at www.sec.gov. Copies of the documents filed by Vistra Energy with the SEC will be available free of charge on Vistra Energy's website at www.vistraenergy.com or by contacting Vistra Energy Investor Relations at 214-812-0046 or at investor@vistraenergy.com. Copies of the documents filed by Dynegy with the SEC will be available free of charge on Dynegy's website at www.dynegy.com or by contacting Dynegy Investor Relations at (713) 507-6466 or at ir@dynegy.com.

CERTAIN INFORMATION REGARDING PARTICIPANTS IN THE SOLICITATION

Vistra Energy and Dynegy and certain of their respective directors and executive officers and other members of management and employees may be deemed to be participants in the solicitation of proxies in respect of the proposed merger. You can find information about Vistra Energy's directors and executive officers in Vistra Energy's prospectus filed with the SEC pursuant to Rule 424(b) of the

Securities Act on May 9, 2017 (as supplemented), and on its website at www.vistraenergy.com. You can find information about Dynegy's directors and executive officers in its proxy statement for its 2017 annual meeting of stockholders, which was filed with the SEC on March 30, 2017, and on its website at www.dynegy.com. Additional information regarding the interests of such potential participants will be included in the joint proxy statement and other relevant documents filed with the SEC if and when they become available. You may obtain free copies of these documents from Vistra Energy or Dynegy using the sources indicated above.

NO OFFER OF SOLICITATION

This document shall not constitute an offer to sell or the solicitation of an offer to buy any securities, nor shall there be any sale of securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction. No offering of securities shall be made except by means of a prospectus meeting the requirements of Section 10 of the U.S. Securities Act of 1933, as amended.

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Media

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Investors

713-507-6466

View original content with multimedia:<http://www.prnewswire.com/news-releases/vistra-energy-and-dynegy-to-combine-to-create-leading-integrated-power-company-300545251.html>

SOURCE Vistra Energy; Dynegy Inc.

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Establishment Search

Reflects inspection data through 03/22/2018

This page enables the user to search for OSHA enforcement inspections by the name of the establishment. Information may also be obtained for a specified inspection or inspections within a specified SIC.

Note: Please read important information below regarding interpreting search results before using.

Search By:

Establishment

(This box can also be used to search for a State Activity Number for the following states: NC, SC, KY, IN, OR and WA)

State

All States



Fed & State



OSHA Office

All Offices



Case Status



All



Closed



Open

Violation Status



All



With Violations



Without Violations

Inspection Date

Start Date

March



28



2013



End Date

March



28



2018



Submit

Reset

Can't find it?

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[Basic Establishment Search Instructions](#)

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NOTE TO USERS

The Integrated Management Information System (IMIS) was designed as an information resource for in-house use by OSHA staff and management, and by state agencies which carry out federally-approved OSHA programs. Access to this OSHA work product is being afforded via the Internet for the use of members of the public who wish to track OSHA interventions at particular work sites or to perform statistical analyses of OSHA enforcement activity. It is critical that users of the data understand several aspects of the system in order to accurately use the information.

events occur in the course of agency activities. Until cases are closed, IMIS entries concerning specific OSHA inspections are subject to continuing correction and updating, particularly with regard to citation items, which are subject to modification by amended citations, settlement agreements, or as a result of contest proceedings. THE USER SHOULD ALSO BE AWARE THAT DIFFERENT COMPANIES MAY HAVE SIMILAR NAMES AND CLOSE ATTENTION TO THE ADDRESS MAY BE NECESSARY TO AVOID MISINTERPRETATION.

The Integrated Management Information System (IMIS) is designed and administered as a management tool for OSHA to help it direct its resources. When IMIS is put to new or different uses, the data should be verified by reference to the case file and confirmed by the appropriate federal or state office. Employers or employees who believe a particular IMIS entry to be inaccurate, incomplete or out-of-date are encouraged to contact the OSHA field office or state plan agency which originated the entry.

UNITED STATES DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave., NW,
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

White House
Affordable Care Act
Disaster Recovery Assistance
USA.gov
Disability.gov
Plain Writing Act
Recovery Act
No Fear Act
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Establishment Search Results

Establishment	Date Range	Office	State
dynegey inc.	03/28/2008 to 03/28/2013	all	all

Please note that inspections which are known to be incomplete will have the identifying Activity Nr shown in *italic*. Information for these open cases is especially dynamic, e.g., violations may be added or deleted.

Sort By: Date | Name | Office | State

Return to Search ↻

Results 1 - 2 of 2

By Date

Get Detail Select All Reset

	#	Activity	Opened	RID	St	Type	Sc	SIC	NAICS	Vio	Establishment Name
<input type="checkbox"/>	1	312893043	05/24/2010	0524500	IL	Complaint	Partial	4911	221112		Dynegey Midwest Generation, Inc.
<input type="checkbox"/>	2	311253538	10/21/2008	0521400	IL	Referral	Partial	4911	221112	1	Dynegey Midwest Generation, Inc.

UNITED STATES
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Accessibility Statement

Opening Conference Worksheet

U. S. Department of Labor
Occupational Safety and Health Administration



Rpt. ID 0524700	Complaint Nr.	Referral Nr.	Assignment Nr.	CSHO ID	Inspection Nr. 1305368																																				
Establishment Name Kincard Generation, LLC																																									
Site Address 199 Illinois 104 Kincard, IL	Site Phone	Ex 7c	Site FAX																																						
Mailing Address PO Box 260 Kincard Generation, LLC	Mailing Phone		Mailing FAX																																						
Controlling Corp. Dynergy Inc (Control operator Kincard owner)	Employer ID George	7248452	CGW																																						
Number of Employees 140	Number Of Covered Employees 140	Number of Employees Controlled by Employer 140	SIC Code 4900 - Electric, Gas, and Steam Supply	NAICS Code	Interstate Commerce close 3/27 4:30																																				
Entry Date 3/27/18		Opening Conference Date 12:30		Walk-Around Date 3/27																																					
Time 11:40		Time 12:30		Time 1:00																																					
Employer Representatives Contracted Function Codes: I=Credentials Presented O=Opening Conference C=Closing Conference M=Other Mgmt. Official	Name James Klenky	Title Managing Dir	Function	Walk-Around																																					
	Name Gregg Perkins	Title Sr Safety Specialist	Function	Walk-Around																																					
	Name John Kennedy	Title Corp. Safety	Function	Walk-Around																																					
	Name Jo Rivera	Title Corp Safety	Function	Walk-Around																																					
	Name Cynthia Vadopevic	Title VP Safety	Function	Walk-Around																																					
Employee Representation OSH Act 8(e) Employee Participation Union	Union Name IBEW Local 15	Representative Name Bruce Behar	Local No.	Tele. No.	Organization Title Mark Foost Chief Steward																																				
	Address Darien, IL		Home Address Ex 7c																																						
Inform Employer of:	<input checked="" type="checkbox"/> Walkthrough (items on complaint, plain site, issues identified by employees, possible referrals to CSHOs) <input checked="" type="checkbox"/> Expansion may occur based on info from records, program review, & walk-around inspection - 8(f)(2) <input checked="" type="checkbox"/> Trade Secret/Proprietary information disclaimer, Pictures & Video - Section 15 <input checked="" type="checkbox"/> Pictures and videotaping (recording sound) <input checked="" type="checkbox"/> Confidential/Private employee interviews - 8(a)(2) <input checked="" type="checkbox"/> Employee Rights - 11(c) <input checked="" type="checkbox"/> Outside contractors on site <input checked="" type="checkbox"/> Safety and Health Program Evaluation <input checked="" type="checkbox"/> Closing conference (describe any apparent violations found and other pertinent issues)																																								
Record Keeping & Related Information:	Req. Date/Time _____ Rec. _____ <input type="checkbox"/> OSHA 300 logs for 2011, 2012, 2013, and 2014 Year to Date <input type="checkbox"/> OSHA 300A Form for 2011, 2012, and 2013																																								
Health & Safety Programs & Training Records	<table border="0"> <tr> <td>Req.</td> <td>Rec.</td> <td>Hazard Communication</td> <td>Req.</td> <td>Rec.</td> <td>BBP-Exposure Control</td> <td>Req.</td> <td>Rec.</td> <td>Air Sampling Results</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Respiratory Protection</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Noise Monitoring Data</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Lead Program</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Confined Space</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>LO/TO</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>PPE Hazard Assessments</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>PSM</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Forklift</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Training Recs.</td> </tr> </table>					Req.	Rec.	Hazard Communication	Req.	Rec.	BBP-Exposure Control	Req.	Rec.	Air Sampling Results	<input type="checkbox"/>	<input type="checkbox"/>	Respiratory Protection	<input type="checkbox"/>	<input type="checkbox"/>	Noise Monitoring Data	<input type="checkbox"/>	<input type="checkbox"/>	Lead Program	<input type="checkbox"/>	<input type="checkbox"/>	Confined Space	<input type="checkbox"/>	<input type="checkbox"/>	LO/TO	<input type="checkbox"/>	<input type="checkbox"/>	PPE Hazard Assessments	<input type="checkbox"/>	<input type="checkbox"/>	PSM	<input type="checkbox"/>	<input type="checkbox"/>	Forklift	<input type="checkbox"/>	<input type="checkbox"/>	Training Recs.
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Safety and Health Program Evaluation	<input type="checkbox"/> Written Safety and Health Program <input type="checkbox"/> Communication to Employees <input type="checkbox"/> Enforcement <input type="checkbox"/> Safety Training Program <input type="checkbox"/> Health Training Program <input type="checkbox"/> Accident Investigation Performed <input type="checkbox"/> Preventative Action Taken																																								
PPE Required	<input checked="" type="checkbox"/> Hard Hat <input checked="" type="checkbox"/> Steel Toe Boots/Shoes <input checked="" type="checkbox"/> Safety Glasses <input type="checkbox"/> Safety Goggles <input type="checkbox"/> Tyvek Suite <input type="checkbox"/> Respirators <input checked="" type="checkbox"/> Hearing Protection <input type="checkbox"/> Other:																																								

DIARY CONTINUATION SHEET

Complaint No. _____

Inspection No. 1305368

Company Name: Dynegy, Inc.

[illegible]

Diary - Continuation Sheet

Name: Dynegey Illinois, Inc. dba Kincaid Generation, LLC

Insp.# 1305368

DATE	ACTION	INITIALS
5/14/18	Rec'd Notice of contest	bys
5/17/18	Processed contest, forwarded to RSC	bjs
5/18/18	Rec'd Letter to Contest.	
5/29/18	Mailed union notice of contest letter.	hr
5/31/18	Ex 5	
		bjs
7/5/2018	Rec'd Connecticut action info	bjs
7-13-18	Called James K Re: Absent of 307(C). Discussed NFA to Table 514.3 + fig. 514.3. He said that this level of delineation on w/ map or text was more detailed than than he thought it needed to be. He reached out to his Safety Staff and look for some help there too. He said they did have electrical Eng. on Staff. CSAs recommended also talking to the b/c they have likely made does like this before. He said they may need more time to complete the the details	Ex 7c
8/8/2018	Rec'd Settlement and Final Order date from OStree	bjs
8/10/2018	updated OIS	bjs
09.21.2018	Rec'd. settlement agreement + check # 1010115584 for \$14,872.00	Ex 7c
9/24/2018	OIS updated 14872 Final Payment	Ex 7c
9-25-18	Case closed	33
10/3/18	Reopened to adjust Single Payment	Ex 7c

DIARY CONTINUATION SHEET

Complaint No. _____

Inspection No. 1305368

Company Name: Dynegy, Inc

DATE	ACTION	INITIALS
4-25-18	RCVD Green Card PC 5/14/18, mailed union citations	Ex 7c
5-1-18	Called Tim, local 15, left VM	
5-1-18	Called [REDACTED] Ex 7c	
5-1-18	Attempted to call [REDACTED] Ex 7c No VM possible	
5-1-18	Called IBEW Local 15, Downers Grove. Billy Phillips, Assist Business Manager, is handling Kincaid.	
	Billy Phillips tel [REDACTED] Ex 7c	
	email [REDACTED] Ex 7c	
	Address is 6330 Belmont Suite 1 in Downers Grove, IL 60516. The main number for local 15 is (630) 515 0381.	
5/1/18	Spoke to Kristen White 303-390-0006.	
	Scheduled informal conference for May 10 @ 1 pm - over the telephone.	Ex 7c
5/1/18	Mailed Ltr informing union of date + time of informal conference.	Ex 7c
5/10/18	Tim CB. discussed contact info for Biz Agent + IC	
5/11/18	[REDACTED] Ex 7c CB discussed contact info + Biz Agent. Also disc IC	
5/10/18	Informal Conf Held	
5/10/18	Rec'd photos of shaft end w/ measurements	
5/11/18	Sent photos of location of shaft ends	
5/14/18	Additional Call to discuss shaft ends	
5/14/18	Provided proposed ISA	

DIARY

Name: Dynegy, Inc.

Insp. #: 1305368

Comp. #: _____

Complaint Dates / Times

DATE TIME Received Complaint

DATE TIME : AM / PM Employer Notified

NAME Corresponded With

DATE Letter/Fax Sent

DATE Response Due Date

COMPLAINT CLOSED

REFERRAL CLOSED

Closed Safety Inspection

Health Inspection

Safety General Duty 5(a)(1)

Non-Sampling Health

Safety FAT/CAT

Safety In Compliance

DATE	ACTION	INITIALS
3/27/18	Opened programmed inspection	Ex 7c
3/28/18	Called George Perkins. Crazy day still Dynegy CO. out Voxa (company - A of Texas). Safety Tailgate Mtg today This yr is blank.	↓
4/3/18	onsite Interview + closing	Ex 7c
4/4/18	find email George P w/ photo, do e-fixes + GAB	
4/4/18	emailed George + James B20 and Appst product discussing emergency stop	
4/4-4/9/18	phone msg to CB left then CBH + Perkins	
4/9/18	Perkins CB. Expl had send right thing doc on and video. Do the American thing + discuss the hazard	
4/16/18	Submited for Review.	
4-16-18	Returned for clarification	323
4-17-18	Called G. Perkins + follow-up on signs + guarding. left vm expl. absent still need. (Please email or call back)	Ex 7c ↓
4-18-18	Citation prepared for AD	323
4/18/2018	Citations Signed	b13
4-18-18	MAILED CITATION	Ex 7c
4-19-18	RWD email (Perkins) w/ Abatement photo	



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

Phone: (202) 606-5400
Fax: (202) 606-5050

Secretary of Labor,
Complainant,

v.

Dynegy Illinois, Inc., dba Kincaid Generation, LLC

Respondent.

Region: 5

OSHRC Docket No. 18-0811

OSHA Inspection No. 1305368

Notice of Docketing of Administrative Law Judge's Decision

The Administrative Law Judge's Report in the above referenced case was docketed with the Commission on 07/26/2018. The decision of the Judge will become a final order of the Commission on 08/27/2018 unless a Commission member directs review of the decision on or before that date.

Any party desiring review of the Judge's decision by the Commission must file a petition for discretionary review. Any such petition must be received by the Executive Secretary on or before 08/15/2018 in order to permit sufficient time for its review. See Commission Rule 91, 29 C.F.R. 2200.91. All further pleadings or communications regarding this case shall be addressed to the Executive Secretary with a copy to the DOL Solicitor at the address below.

Executive Secretary
Occupational Safety and Health Review
Commission
1120 20th St., N.W., Suite 980
Washington, D.C. 20036-3419

Charles F. James, Counsel for Appellate Litigation
Heather R. Phillips, Counsel for Appellate Litigation
Office of the Solicitor, U.S. DOL
Room S4004
200 Constitution Avenue, N.W.
Washington, D.C. 20210

If directed for Review by the Commission, then the Counsel for Appellate Litigation will represent the Department of Labor. If you have questions, please contact the Executive Secretary's Office at (202) 606-5400.

John X. Cervený
Executive Secretary

/s/

Date: 07/26/2018

Joyce Gathers, Legal Clerk

Vistra Corporate Services Company, as Agent

DATE	CHECK NO.
09/17/2018	Ex 4

DATE	INVOICE/CREDIT MEMO	DESCRIPTION	GROSS	DISCOUNT	NET
9/17/2018	1305368		\$14,872.00	\$0.00	\$14,872.00
<p> RECEIVED U.S. Department of Labor-OSHA SEP 21 2018 Region V - Peoria Area Office </p>					
THIS ATTACHED CHECK IS IN PAYMENT FOR ITEMS DESCRIBED ABOVE			TOTAL	\$0.00	\$14,872.00

U.S. Department of Labor

Occupational Safety and Health Administration

1320 W Commerce Dr.

Suite 800

Peoria IL 61615

Phone: 3095897033 Fax: 3095897326

RID: 0524500

Penalty Payment Report

Payment Report: 477842
Payment Report Date: 09/24/2018

	Inspection Number	Establishment Name	Penalty Amount	Penalty Type
1		Ex 4		
2				
3	1305368	Dynegy Illinois, Inc.	\$14782.00	Violation Penalty Amount

Batch Total: \$37404.00

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

Vistra Corporate Services Company, as Agent**Ex 4**

8-88/1113

CHECK NO.**Ex 4****DATE****09/17/2018****VOID AFTER 90 DAYS**

FOURTEEN THOUSAND EIGHT HUNDRED SEVENTY-TWO AND 00/100 CENTS

\$ 14,872.00PAY TO THE
ORDER OFUNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
1320 W COMMERCE DR
SUITE 800
PEORIA, IL 61615

Vistra Corporate Services Company, as Agent

VOID IF OVER \$ 14,872.00

Ex 4

**UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

R. ALEXANDER ACOSTA, Secretary of
Labor, United States Department of Labor,

Complainant,

v.

KINCAID GENERATION, LLC, and
its successors,¹

Respondent.

OSHRC Docket No.: 18-0811

Inspection No.: 1305368

STIPULATION AND SETTLEMENT AGREEMENT

Complainant, **R. ALEXANDER ACOSTA**, Secretary of Labor, United States Department of Labor, and Respondent, **KINCAID GENERATION, LLC**, pursuant to Rule 100 of this Commission hereby agree and stipulate to the settlement of this matter as follows:

I

Complainant hereby amends the Citation and Notification of Penalty as follows:

1. Serious Citation 1—Item 1 is vacated.
2. Serious Citation 1—Item 2(a) is changed to an Other-than-Serious Citation. The standard, alleged violation description, and proposed penalty amount (\$7391) remain the same.
3. Serious Citation 1—Item 2(b) is vacated.

¹ This Stipulation and Settlement Agreement amends the caption used in the Citation and Notification of Penalty, as well as the Secretary's Motion for Extension of Time to File Complaint. The above caption contains Respondent's correct legal name.

4. Serious Citation 1—Item 3(a) is vacated.
5. Serious Citation 1—Item 3(b) is changed to an Other-than-Serious Citation. The standard, alleged violation description, and proposed penalty amount (\$7391) remain the same.

II

Respondent has no objection to the Complainant amending the Citation and Notification of Penalty as set forth in Paragraph I above.

III

Respondent hereby withdraws its Notice of Contest to the Citation and Notification of Penalty and makes the following representations and assurances to Complainant:

1. The alleged conditions have been abated. Respondent will provide abatement verification to the Peoria OSHA Area Office as required by 29 C.F.R. § 1903.19.
2. To the best of Respondent's knowledge and belief, Respondent is currently complying, and in the future will in good faith continue to comply, with the provisions of the Act, and applicable standards promulgated pursuant thereto.
3. By July 31, 2018, Respondent shall update the "Dominion Energy Services Company, Inc., Kincaid, IL, Combustible Dust Policy (ADM-SAFE-0-006)" to clearly delineate the areas covered in the Scope (2.0) and Definitions, as well as the Coal Handling Areas 3.2.1. Identification of these areas shall include the name and location of the area and be supplemented with a map of all the areas covered by the procedure.
4. Respondent will pay a total penalty of \$14,872 by forwarding a check payable to "Occupational Safety and Health Administration—Labor" to the OSHA Peoria Area

Office, 1320 W. Commerce Dr., Suite 800, Peoria, IL 61615. The total payment will be due within 30 days from the date of the Final Order.

IV

Based on the aforesaid assurances and representations by Respondent, Complainant has no objection to Respondent's withdrawal of the Notice of Contest.

V

Respondent certifies that this Settlement Agreement has been given to employees represented by an authorized representative, by serving a copy on IBEW Local 15 Steward Tim Brown, by hand-delivery, on July 3, 2018 in accordance with Rules 7 and 100 of the Commission Rules of Procedure. It is hereby further certified by Respondent that this Settlement Agreement has been served on employees, if any, not represented by an authorized employee representative, by posting this agreement in a place where the Citation is required to be posted on July 3, 2018 in accordance with Rules 7 and 100 of the Commission's Rules of Procedure.

VI

Except for these proceedings, and matters arising out of these proceedings, and any other subsequent OSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by respondent shall be deemed an admission by Respondent of the allegations contained within the Citation and Notification of Penalty and the Complaint. The agreements, statements, findings, and actions taken herein are made for the purpose of compromising and settling this matter amicably, and they shall not be used for any other purpose whatsoever, except as herein stated.

VII

Each party agrees to bear its/his own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of the above-referenced proceeding, including but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

VIII

The Complainant and the Respondent agree that an order should be entered which:

1. Amends the Citation and Notification of Penalty, as set forth above;
2. Allows Respondent to withdraw its Notice of Contest to the Citation and Notification of Penalty;
3. Affirms the Citation and Notification of Penalty, as amended, as a final and enforceable order of the Review Commission, and affirms the penalty in the total proposed amount of \$14,872, with no costs, fees or other expenses to be assessed or awarded to any of the parties in this litigation.

DATED: July 6, 2018

Respectfully submitted,

KINCAID GENERATION, LLC


KRISTIN R.B. WHITE
Attorney

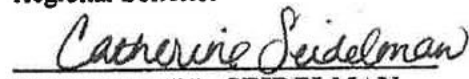
Jackson Kelly PLLC
1099 18th Street, Suite 2150
Denver, CO 80202
P: (303) 390-0003
F: (303) 390-0177
kwhite@jacksonkelly.com


JAMES KLENKE
Managing Director

Kincaid Generation, LLC
P.O. Box 260
Kincaid, IL 62540

KATE S. O'SCANNLAIN
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor


CATHERINE L. SEIDELMAN
Attorney

U.S. Department of Labor
Office of the Solicitor
230 S. Dearborn St., Room 844
Chicago, IL 60604
P: (312) 353-4995
F: (312) 353-5698
seidelman.catherine@dol.gov

Attorneys for R. Alexander Acosta,
Secretary of Labor,
United States Department of Labor,
Complainant

NOTICE

Any party (including any authorized employee representative of affected employees and any affected employee not represented by an authorized representative) who has any objection to the entry of an order as set forth in this agreement, must communicate such objections within ten (10) days of the posting of this agreement to the Honorable Covette Rooney, Chief Judge, Occupational Safety and Health Review Commission, One Lafayette Centre, 1120 20th Street, N.W., Room 990, Washington, D.C. 20036-3457, with copies to attorneys for Complainant and Respondent.

CERTIFICATE OF SERVICE

I certify that all parties have consented that all documents may be served and filed electronically. I further certify that on July 6, 2018, I filed a copy of the *foregoing Stipulation and Settlement Agreement* via the OSHRC E-Filing System and served said copy that same day on the following individual via the E-Filing System and email:

**Kristin R.B. White, Esq.
Jackson Kelly PLLC
1099 18th Street, Suite 2150
Denver, CO 80202
kwhite@jacksonkelly.com**


CATHERINE L. SEIDELMAN
Attorney

United States Department of Labor
One of the Attorneys for
Complainant



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3419

Phone: (202) 606-5405

Fax: (202) 606-5409

Notice of Order and Report

In Reference To:

Secretary of Labor v. KINCAID GENERATION, LLC
OSHRC Docket No. 18-0811

1. Please take notice that the accompanying order approving the settlement agreement pursuant to 29 C.F.R. §2200.100, the settlement agreement itself, and all other papers comprising the record shall be sent promptly to the Review Commission's Executive Secretary, and shall constitute the report of this Administrative Law Judge for the purpose of 29 U.S.C. Section 661(j).
2. Any request for relief from clerical mistakes or errors arising from oversight or inadvertence must be in the form of a written motion (See 29 C.F.R. §2200.40). The motion should be directed to the Review Commission as follows:

Executive Secretary
Occupational Safety and Health
Review Commission
1120 20th Street, N.W. - 9th Floor
Washington, D.C. 20036-3419

3. The Executive Secretary shall make an appropriate referral of any request for relief.
4. The order shall become final thirty (30) days from the date of its docketing by the Executive Secretary, unless review thereof is directed by a Commission Member within that time. 29 U.S.C. Section 661(j).


COVETTE ROONEY
Chief Judge, OSHRC

Dated: July 23, 2018
Washington, D.C.

**UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

R. ALEXANDER ACOSTA, Secretary of
Labor, United States Department of Labor,

Complainant,

v.

KINCAID GENERATION, LLC, and
its successors,

Respondent.

OSHRC Docket No.: 18-0811

Inspection No.: 1305368

ORDER APPROVING SETTLEMENT

The Commission has jurisdiction over the subject matter of the case and over the parties by virtue of the filing of a timely notice of contest.

The stipulated settlement between the parties filed on July 6, 2018 has been considered. The stipulation and settlement agreement has been served on all parties and authorized employee representatives and posted in the manner prescribed by Commission Rule 7(g).¹ Ten (10) days have passed since service and posting and no objection to the settlement has been filed.

The settlement is approved under 5 U.S.C. §554(c)(1) and Commission Rule 100. The terms of the stipulated settlement are incorporated, in their entirety, by reference in this order.

The order shall become final thirty (30) days from the date of its docketing by the Executive Secretary, unless review thereof is directed by a Commission Member within that time. 29 U.S.C. Section 661(j).


COVETTE ROONEY
Chief Judge, OSHRC

Dated: **JUL 23 2018**
Washington, D.C.

¹ Rules of Procedure of the Occupational Safety and Health Review Commission, 29 C.F.R. §§2200.1-.212, as amended.

CERTIFICATE OF SERVICE

This is to certify that a copy of the Order was mailed to the parties listed below by first class mail on July 23, 2018.

18-0811

Christine Heri, Regional Solicitor
U.S. Department of Labor
Office of the Solicitor
8th Floor
230 South Dearborn Street
Chicago, Illinois 60604
Attention: Catherine L. Seidelman, Esq.

Kristin R.B. White, Esq.
JACKSON KELLY PLLC
1099 18th Street – Suite 2150
Denver, Colorado 80202

Donnell Gordon

Legal Assistant

Post Office Address:

Judge

OSHRC

One Lafayette Center

1120 20th Str., N.W. - 9th Floor

Washington, D.C. 20036-3419

(202) 606-5405 FAX (202) 606-5409

July 5, 2018

VIA FACSIMILE 309-589-7326 and U.S. MAIL

Mr. Barry Salerno
Area Director
U.S. Department of Labor
Occupational Safety and Health Administration
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615

Re: Kincaid Generation, LLC
Inspection No. 1305368
Inspection Dates: 03/27/2018
Issuance Date: 04/18/2018

Dear Mr. Salerno:


Pursuant to the settlement agreement in the above-referenced matter, Kincaid Generation, LLC ("Kincaid") submits the following abatement certification.

1. The alleged hazard referenced for Citation 1, Item 2(a) was corrected by July 1, 2018, by appropriately guarding or enclosing the rotating shafts at the Conveyor 5B ramp side and Crusher 1B west.
2. The alleged hazard referenced for Citation 1 Item 3(b) was corrected at the time of the inspection by fixing the conduit plug missing near Feeder 6A and fixing the unsecured conduit cover at the stairway lander of conveyor 5B.
3. Additionally, by July 31, Kincaid will update the "Dominion Energy Services Company, Inc., Kincaid, IL, Combustible Dust Policy (ADM-SAFE-0-006)" to clearly delineate the areas covered in the Scope (2.0) and Definitions, as well as the Coal Handling Areas 3.2.1. Identification of these areas will include the name and location of the area and be supplemented with a map of all the areas covered by the procedure.

I attest that the information contained in this document is accurate to the best of my knowledge. If you have any questions or concerns, do not hesitate to contact me at your convenience.

Mr. Barry Salerno
July 3, 2018
Page 2

Dated this 5 day of July 2018



Mr. James Klenke
Managing Director

JACKSONKELLY PLLC

1099 18TH STREET • SUITE 2150 • DENVER, COLORADO 80202 • TELEPHONE: 303-390-0003 • TELECOPIER: 303-390-0177
www.jacksonkelly.com

FACSIMILE COVER SHEET

Date: July 5, 2018

Transmit to Facsimile #: 309-589-7326

For Immediate Delivery To: Mr. Barry Salerno

From: Ex 7c

Re: Kincaid Generation, LLC
Inspection No. 1305368
Inspection Dates: 03/27/2018
Issuance Date: 04/18/2018

Special Information: Attached hereto is Kincaid Generation, LLC's abatement certification in the above-referenced matter. A hard copy will follow by U.S. Mail.

Confidentiality Note: This facsimile from the law office of Jackson Kelly PLLC is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or other dissemination of this facsimile and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this facsimile, please contact the sender by reply facsimile and destroy all copies of the original message.

Total Number of Pages Including This Cover Sheet: 3

For confirmation or problems, call

Ex 7c

Bridgeport, WV • Charleston, WV • Martinsburg, WV • Morgantown, WV • Wheeling, WV
Denver, CO • Crawfordsville, IN • Evansville, IN • Lexington, KY • Akron, OH • Pittsburgh, PA • Washington, DC
Firm Operations\4821-2472-9635.v1-5/9/18

July 5, 2018

VIA FACSIMILE 309-589-7326 and U.S. MAIL

Mr. Barry Salerno
Area Director
U.S. Department of Labor
Occupational Safety and Health Administration
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615

**Re: Kincaid Generation, LLC
Inspection No. 1305368
Inspection Dates: 03/27/2018
Issuance Date: 04/18/2018**

Dear Mr. Salerno:

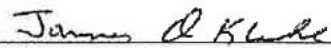
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2. The alleged hazard referenced for Citation 1 Item 3(b) was corrected at the time of the inspection by fixing the conduit plug missing near Feeder 6A and fixing the unsecured conduit cover at the stairway lander of conveyor 5B.
3. Additionally, by July 31, Kincaid will update the "Dominion Energy Services Company, Inc., Kincaid, IL, Combustible Dust Policy (ADM-SAFE-0-006)" to clearly delineate the areas covered in the Scope (2.0) and Definitions, as well as the Coal Handling Areas 3.2.1. Identification of these areas will include the name and location of the area and be supplemented with a map of all the areas covered by the procedure.

I attest that the information contained in this document is accurate to the best of my knowledge. If you have any questions or concerns, do not hesitate to contact me at your convenience.

Mr. Barry Salerno
July 3, 2018
Page 2

Dated this 5 day of July 2018



Mr. James Klenke
Managing Director

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	Email Discussions between OSHA & SOL									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	6									
INFORMATION										

EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
2b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
5	Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.
6	This exclusion is intended to exclude from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
7a	Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
7c	The identification of a confidential source or confidential information furnished by a confidential source.
7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.

Employer will update ADM-SAFE-0-006
Combustible Dust Procedure to better clearly (delineates)
~~identify~~ the scope of the areas covered in 2.1 and
2.2.^(3.2.1) Identification shall include the specific location
of areas covered and a supplemental map of the locations
covered.

[Standard Interpretations \(/laws-regs/standardinterpretations/publicationdate\)](#)

/ Requirements for posting signs for PRCSS.

[1910.146\(c\)\(2\) \(https://www.osha.gov/pls/oshaweb/owalink.query_links?](#)

- **Standard Number:** [src doc type=STANDARDS&src unique file=0&src anchor name=1910.146\(c\)\(2\)\)](#)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at [http://www.osha.gov \(/\)](http://www.osha.gov (/)).

July 22, 1998

Dear Mr. Black:

Thank you for your letter of May 21 requesting clarification of the Occupational Safety and Health Administration's (OSHA) 29 CFR 1910.146(c)(2) standard requirement to inform exposed employees of the presence of permit-required confined spaces (PRCS) in the workplace.

Paragraph (c)(2) was interpreted in OSHA instruction [CPL 2.100, May 5, 1995], and is provided below.

How will OSHA interpret the language in paragraph 1910.146(c)(2) requiring employers to inform employees of permit spaces by posting signs or "by any other equally effective means?"

Ordinarily, information about permit spaces is most effectively and economically communicated through the use of signs. Consequently, signs would be the principal method of warning under the standard. Alternative methods, such as additional training, may be used where they are truly effective in warning all employees who could reasonably be expected to enter the space. It is the employer's obligation to assure that an alternative method is at least as effective as a sign. In some cases, employers may have to provide training in addition to signs, to protect employees who do not speak English or who would have difficulty understanding or interpreting signs. (One method by which OSHA can gauge an employer's effectiveness is through random interviews of affected employees.)

If a space has a locked entry cover or panel, or an access door that can only be opened with special tools, the use of sign's may be unnecessary. If the employer ensures that all affected employees are informed about such spaces and know that they are not to be opened without taking proper precautions, including temporary signs, to restrict unexpected or unknowing

You specifically asked us: "Will you please clarify the conditions under which labels (as warnings) must be applied to entry points of PRCSS? Please emphasize in your response, when in the process of coming into compliance with the standard, must labels/warnings be applied."

After April 15, 1993, once an employer has determined a permit-required confined space exists (a confined space with an actual or potential hazard), the employer is obligated by paragraph 1910.146(c)(2) to inform exposed employees either by posting a sign or other effective means. Since the purpose of this paragraph is to provide the exposed employees with information to protect them from the hazard, the "when" an employee must be informed is before the next entry.

Your letter made reference to Federal OSHA officials in Indianapolis. The State of Indiana has been ceded jurisdiction under Section 18 of the Occupational Safety and Health Act to enact and in enforce standards at least as effective as the Federal standards. You may also wish to contact them to see if the State standards for permit required confined space are indeed more stringent than the Federal PRCSS standard. The address for the State of Indiana is.

Indiana Department of Labor
[Indiana Government Center - South]
402 West Washington Street, Room W195
Indianapolis, Indiana 46204

if you have further questions on this letter, please contact [the Office of General Industry Enforcement at (202) 693-1850].

Sincerely,

John B. Miles, Jr., Director
Director, Directorate of Compliance Programs

[Corrected 10/20/2006]

UNITED STATES
DEPARTMENT OF LABOR
(<https://www.dol.gov>)

Occupational Safety & Health Administration
200 Constitution Ave NW

U.S. Department of Labor

Occupational Safety and Health Administration
1320 W Commerce Dr , Suite 800
Peoria, Illinois 61615
(309) 589-7033
FAX: (309) 589-7326



May 29, 2018

IBEW, Local 15
Mr. Billy Phillips
6330 Belmont Rd, Ste 1
Downers Grove, IL 60516

Re: Dynegey Illinois, Inc. dba Kincaid Generation LLC
Case File No. 1305368
Contest

Mr. Phillips,

This letter is to notify you that Dynegey Illinois, Inc. dba Kincaid Generation LLC has submitted a Notice of Contest for the citation(s) issued to them on April 18, 2018. Attached is a copy of the citation(s) in question with the Notice of Contest.

Please consider whether or not your Union would like to participate in a hearing before the Occupational Safety and Health Review Commission as soon as possible. If so, please the Review Commission as soon as possible. Please also notify Ms. Christine Heri of the Solicitor's office. They may be contacted at the following Addresses:

Mr. Ray H. Darling, Jr.
Occupational Safety & Health
Review Commission
One Lafayette Centre
1120 20th Street, N.W., Room 980
Washington, D.C. 20036-31419

Ms. Christine Heri
U.S. Department of Labor
Office of the Solicitor
230 South Dearborn Street
Chicago, Illinois 60604

Sincerely,

A handwritten signature in cursive script that reads "Barry Salerno".

Barry Salerno
Area Director

Enclosures

U.S. Department of Labor

**Occupational Safety & Health Administration
Peoria Area Office
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615**



May 17, 2018

MEMORANDUM FOR: Christine Z. Heri, Regional Solicitor

FROM:


**Barry Salerno
Area Director**

SUBJECT:

Contested Case
Inspection # 1305368
Dynergy Illinois, Inc.
dba Kincaid Generation, LLC

We received a notice of contest for this Priority case on May 14, 2018, and are forwarding it to you. The citations were issued on April 18, 2018. A copy of the case file is also attached.

An informal conference was held with the employer and an agreement could not be reached. The employer's position is the Serious classification of the citations is not appropriate since the employer has programs that address the Combustible Dust hazard in their workplace. The employer has committed to implementation to enhanced Combustible Dust program that in the employer's opinion warrant the reclassification of the citations to Other than Serious.

We request the case be handled as a Priority case. This inspection was the result of a Schedule inspection regarding Combustible Dust hazard in the workplace where there is a potential/history of explosions and fire events occurring in this type of industry.

The penalty amount \$22,173.00.

We forwarded the required documents to the Occupational Safety and Health Review Commission on May 17, 2018.

Enclose.

JACKSONKELLY^{PLLC}

1099 18TH STREET • SUITE 2150 • DENVER, COLORADO 80202 • TELEPHONE: 303-390-0003 • TELECOPIER: 303-390-0177
www.jacksonkelly.com

(303) 390-0006

May 14, 2018

RECEIVED
U.S. Department of Labor-OSHA

MAY 18 2018

Region V - Peoria Area Office

VIA E-MAIL & U.S. MAIL

Mr. Barry Salerno
Area Director
U.S. Department of Labor
Occupational Safety and Health Administration
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615

Re: Dynegy Illinois, Inc., dba Kincaid Generation, LLC
Inspection No. 1305368
Inspection Dates: 03/27/2018
Issuance Date: 04/18/2018
JK No. 30324/302

Dear Mr. Salerno:

Dynegy Illinois, Inc., dba Kincaid Generation, LLC hereby contests the Citation and Items in the above-referenced inspection. This contest includes the underlying violations, severities, penalties, abatements, and abatement dates, of the Citation and Items for the above-referenced inspection conducted on March 27, 2018, at 199 Illinois 104, Kincaid, IL 62540. Dynegy Illinois, Inc., dba Kincaid Generation, LLC reserves all affirmative defenses.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Kristin R.B. White

KRBW/blb

JACKSONKELLY_{PLLC}

1099 18TH STREET • SUITE 2150 • DENVER, COLORADO 80202 • TELEPHONE: 303-390-0003 • TELECOPIER: 303-390-0177

www.jacksonkelly.com

(303) 390-0006

May 14, 2018

VIA E-MAIL & U.S. MAIL

Mr. Barry Salerno
Area Director
U.S. Department of Labor
Occupational Safety and Health Administration
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615

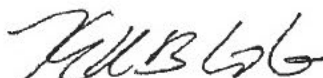
Re: Dynege Illinois, Inc., dba Kincaid Generation, LLC
Inspection No. 1305368
Inspection Dates: 03/27/2018
Issuance Date: 04/18/2018
JK No. 30324/302

Dear Mr. Salerno:

Dynege Illinois, Inc., dba Kincaid Generation, LLC hereby contests the Citation and Items in the above-referenced inspection. This contest includes the underlying violations, severities, penalties, abatements, and abatement dates, of the Citation and Items for the above-referenced inspection conducted on March 27, 2018, at 199 Illinois 104, Kincaid, IL 62540. Dynege Illinois, Inc., dba Kincaid Generation, LLC reserves all affirmative defenses.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Kristin R.B. White

KRBW/blb

Salerno, Barry - OSHA

From: White, Kristin [Ex 7c]
Sent: Monday, May 14, 2018 4:57 PM
To: Salerno, Barry - OSHA
Cc: [Ex 7c]
Subject: Dynegy Inspection No. 1305368
Attachments: Notice of Contest.pdf

Barry – Per my prior email, attached is our notice of contest for the citation and all items.

Thanks,
Kristin

Kristin R. B. White | Member | **Jackson Kelly PLLC**

1099 18th Street, Suite 2150 | Denver, CO 80202 | www.jacksonkelly.com

Office: (303) 390-0006 | Mobile: [Ex 7c] | Fax: (303) 390-0177 | [Ex 7c] | [V-card](#) | [BIO](#)



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U.S. Department of Labor

Occupational Safety and Health Administration
Peoria Area Office
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615



May 17, 2018

RE: CONTEST
Dynergy Illinois, Inc. dba Kincaid Generation, LLC
Inspection No. - 1305368

Pursuant to section 10, Occupational Safety and Health Act of 1970, the above listed case is hereby certified to the Occupational Safety and Health Review Commission.

The documents listed below which were issued or received on the dates listed are enclosed herewith:

No.	Date	
1.	April 18, 2018	Citation issued.
2.	April 18, 2018	Notice of proposed penalty sent. Total amount of \$22,173.00
3.	May 14, 2018	A.O. received notice of contest.

If other documents enclosed, list them here with date and item number.

APPEARANCES

For Secretary of Labor

U.S. Department of Labor
Regional Solicitor
230 South Dearborn St., 8th Fl.
Chicago, IL 60604

For Employer/Employees

If other list document
item number where listed

Peoria Area Office Informal Conference Narrative

Company Name:	
Dynergy Illinois, Inc. dba Kincaid Generation, LLC	
CSHO ID: N1920	Inspection # 1305368
Date Conference Held: 05/10/2018	End of Contest Period: 05/14/2018
Date Citations Issued: 04/18/2018	Date Citations Received: 04/23/2018

Representing Employer:

Kristin White - Counsel, Gary Moore - Legal James Klenky - Dr, George Perkins - Sig
Jo Lemier - Dr Sig

Representing Employees:

Maen Frost - IBEW, Tim Brown - IBEW, Local 15

Representing US Department of Labor:

B. Salerno - AD

Items discussed and comments, including reasons for reclassifying or withdrawing citation items and reducing penalties.

B. SALERNO - explained post inspection + informal conf procedures
Ms. White discussed each item. Item 1 Ea feels they have
other effective means to AD PRCs. on the Ea has met this
requirement (see notes). Employer request items be withdrawn
Item 2a + b - Ea doesn't feel the item were appropriately
cited, shafts don't rotate all the time and the exposure
is limited. Ea rot. in work areas on regular basis. (b)
shafts are not greater than 1/2 dia. Need further discussion
re location of shafts. Ea requested 2a - other than Shafts
and 2b withdrawn, pending further discussion

(2)

Item 3a+b - E1 has procedure that defines Class 2 Div 2 locations and E1s have been trained on requirements annually. Smoking were smoke throughout coal handling / conveyance areas. Signs are on door of conveyor areas.

3b) Employer correct condition. E1 requests reclassification to other than Serious

E1 requested additional info on shafts in Item 2 B. Solano - explained OSHA position - Item 3, labeling closer to equipment is possible.

Item 2a+b - feels 2a is appropriate, if E1 provides doc (measurements) consider withdrawal of item.

Item 3a+b - feel are appropriate regardless of cleaning program and prompt corrective actions.

Sent additional doc's (photos) of shafts - subsequent call to discuss photos and demarcation of Con Dust areas

Proposed ISH, Employer provided contest.

5/10/18

Christin White - Jackson Kelly outside census.
 Gary Moore - Legal for Vistr.
 June Whelan - Start mg
 George Perkins - S&B
 Mark Frost - T&EW Chief St.
 Tim Brown - Maint T&EW IS

Ex 7c

Start 1 - other effective means - En has met. - withdrawn
 annual training - defines cyclones
 administrative controls
 serial open doors bolted.
 only open when boiler is

Maint - covers daily and coordinate.
 - once ~ 40 day
 - 2 boilers

Signage added in area

Item 2a - other than serious.

a) conveyors are shut down during cleaning activities.
 make rounds.

→ shut down 2 hrs every day

Zb - will send plots.

c) concrete foundations limited access.
 no exposure
 LOTO to work on equip

notes (2)
10/10

with Hydromat

Item 3a

Low Dust Procedure

define areas. Class 2 Div 2

defines what is required

installing more signage

connected
- and dust
not present

Item 3b - connected during inspection - other than Sirens

- no dust in electrical connections
some water.

Parts to: certify Class 2 locations

NEMA

NEMA #X parts

Mark Frost - 32 yrs

1998 - start washing facility down every day
outside concerns are surprise

Salerno, Barry - OSHA

From: White, Kristin [Ex 7c]
Sent: Monday, May 14, 2018 4:46 PM
To: Salerno, Barry - OSHA
Cc: [Ex 7c]
Subject: RE: Informal Settlement agreement

Thanks Barry. We really appreciate all your hard work on this one and the open exchange of information. We are not ready to accept a serious classification on Item 3b at this time. I realize this may be all you can do right now given our time constraints. Unless you tell me you can move Item 3b to an OTS, we will go ahead and put this inspection into contest, and then we can continue to talk about these issues.

Thanks,
Kristin

From: Salerno, Barry - OSHA [Ex 7c]
Sent: Monday, May 14, 2018 2:58 PM
To: White, Kristin
Subject: RE: Informal Settlement agreement

Item 3b, the reason for keeping it serious is that the equipment was in a hazardous location and needs to be maintained in proper working condition for that location.

Standard exculpatory language has been added (see attachment).

From: White, Kristin [Ex 7c]
Sent: Monday, May 14, 2018 3:42 PM
To: Salerno, Barry - OSHA
Subject: RE: Informal Settlement agreement

Thanks Barry. I have sent over to Dynegy to review.

For Citation 1, Item 3b: what was the thinking in keeping that one serious?

And if we do settle, do you have some exculpatory language that you can insert? Our offices here have some standard language that they will insert about not admitting the violation except for purposes of the OSH Act.

Thanks,
Kristin

From: Salerno, Barry - OSHA [Ex 7c]
Sent: Monday, May 14, 2018 2:23 PM
To: White, Kristin
Subject: Informal Settlement agreement

Kristin,

Attached is my proposed Informal Settlement Agreement, if you have any questions I am usually in the office until a little after 5:00pm CST.

Thank you,

Barry

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Peoria Area Office – Region V
1320 West Commerce Drive, Suite 800
Peoria, IL 61615-1462



In the Matter of: Dynegey Illinois, Inc. dba Kincaid Generation, LLC

May 10, 2018

OSHA No.: 1305368

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were **issued on April 18, 2018**, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below, and to provide evidence that the violations have been corrected in accordance with 29 CFR 1903.19.
2. The Employer agrees to pay a total penalty of **\$8,000.00 on or before May 31, 2018**. If the penalty is not paid under the terms of this agreement, the original total proposed penalty will become due and payable immediately plus any administrative fees, interest, and penalties incurred thereafter. See Attachment A for payment instruction.

This is your notification of payment due. No other statement or bill will be sent.

3. The Employer and OSHA agree that the following citations and penalties, if any, are being amended as shown below. Citations and penalties not referenced below remain unchanged.
 - **Citation 1 Items 1 - Item reclassified to Other than Serious, Penalty reduced to \$2000.00**
 - **Citation 1 Items 2a – Item reclassified to Other than Serious, Penalty reduced to \$2000.00**
 - **Citation 1 Items 2b – Item withdrawn**
 - **Citation 1 Items 3a – Item withdrawn**
 - **Citation 1 Items 3b - Penalty reduced to \$4,000.00**

Citation 1 Item 3a -The employer enhance their documentation of the Combustible Dust areas (hazardous locations to include drawings that provide infomations for designers, installers, inspectors and other personnel who must ensure that electrical equipment installed and maintained in hazardous locations meet the certification requirements specified.

4. The employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended above.

5. Each party agrees to bear its own fees and expenses incurred in connection with any stage of this proceeding.
6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.
7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.
8. Except for these proceeding, and matters arising out of these proceeding, and any other subsequent OSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by respondent shall be deemed an admission by the respondent of the allegations contained within the Citation of Notifications of Penalty and the Complaint.

**Occupational Safety and Health Administration
Barry Salerno, Area Director**

**Dynegy Illinois, Inc. dba
Kincaid Generation, LLC**

Date

Date

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in this Settlement Agreement must be mailed to the U.S. Department of Labor Area Office at 1320 W. Commerce Drive, Suite 800, Peoria, IL 61615, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations, which were not amended, provided that the objection is mailed to the office shown above within the 15-working-day period established by the original citation.

5. Each party agrees to bear its own fees and expenses incurred in connection with any stage of this proceeding.
6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.
7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.

Occupational Safety and Health Administration
Barry Salerno, Area Director

Dynegy Illinois, Inc. dba
Kincaid Generation, LLC

Date

Date

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U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Peoria Area Office – Region V
1320 West Commerce Drive, Suite 800
Peoria, IL 61615-1462



Attachment A

Payment Instruction Addendum

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov by searching for the public forms by form name – **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If you have additional questions, please contact our office at (309) 589-7033.

Salerno, Barry - OSHA

Subject: Dynegy/OSHA follow-up discussion
Location: Soundpath Conferencing Services (866) 259-7062; passcode 303.390.0006

Start: Mon 5/14/2018 2:00 PM
End: Mon 5/14/2018 2:30 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: White, Kristin

Soundpath Conferencing Services (866) 259-7062
Participant Passcode 303 390 0006

Salerno, Barry - OSHA

Subject: Dynegy/OSHA follow-up discussion
Location: Soundpath Conferencing Services (866) 259-7062; passcode 303.390.0006

Start: Mon 5/14/2018 2:00 PM
End: Mon 5/14/2018 2:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: White, Kristin

Soundpath Conferencing Services (866) 259-7062
Participant Passcode 303 390 0006

Salerno, Barry - OSHA

From: White, Kristin Ex 7c
Sent: Monday, May 14, 2018 11:23 AM
To: Salerno, Barry - OSHA
Cc: Ex 7c
Subject: RE: Dynegy Inspection No. 1305368, photos
Attachments: 2018 May 11 5B Head ramp side looking North.pdf; 2018 May 11 5B Head ramp side looking North OB shaft 1.pdf; 2018 May 11 5B Head ramp side looking North OB shaft 2.pdf

Hi Barry – In anticipation of our call this afternoon, I had James and George go back to the area to look for another rotating shaft below the Hold back clutch and a little towards the ramp. Attached is a picture looking north (the prior ones were looking south). The only shaft below the hold back clutch and towards the ramp is the one you see in the attached photo: 5B Head ramp side looking North. On the photo it is labeled Head Pulley Shaft, OB side. The other photos show the close up angle of it. Based on the grease that is visible in your video photo, we think this is the same one. Only the very center turns not the entire assembly on that shaft.

Thanks,
Kristin

From: Salerno, Barry - OSHA Ex 7c
Sent: Friday, May 11, 2018 3:15 PM
To: White, Kristin
Subject: RE: Dynegy Inspection No. 1305368, photos

Kristin,

I believe it would be best to talk with George Monday afternoon to clear this item up. The photo clip I provided does not include the Hold back clutch, there is another rotating shaft below a little towards the ramp.

My Monday afternoon is pretty open, let me know what time would work for you and George.

Thank you, Barry

From: White, Kristin Ex 7c
Sent: Friday, May 11, 2018 3:53 PM
To: Salerno, Barry - OSHA
Cc: Ex 7c
Subject: RE: Dynegy Inspection No. 1305368, photos

Barry – thanks for sending these photos. They were very helpful in trying to sort through the confusion.

For the stair side, I had them take a wider shot so you could see the full area (pdf file 5B Head Stair side). We don't see any exposures on the stair side.

For the ramp side, we think the belt was not running the day the inspector was there so she did not realize that the parts in the video do not rotate thus not creating any exposures. I had the site take more photos and label the areas so you could see them clearly. The pdf file: 5B Head Ramp Side shows the full Hold Back Clutch. The assembly does not rotate, and the part that does rotate is recessed. You can see how it is recessed in photo: 5B Head Hold Back Clutch 1. The Hold Back Clutch holds the belt back in the event of a mechanical drive failure.

James would be happy to talk through these photos with you if that would help. He can be available this afternoon or Monday. Just let me know.

Thanks,
Kristin

From: Salerno, Barry - OSHA Ex 7c
Sent: Friday, May 11, 2018 12:03 PM
To: White, Kristin
Subject: RE: Dynegy Inspection No. 1305368, photos

Kristin,

The attached picture is of the Conveyor Line 5B (stair side), the below picture is from a video of the Conveyor Line 5B (ramp side).

Thank you, Barry



Conveyor Line 5B (ramp side)

From: White, Kristin Ex 7c
Sent: Friday, May 11, 2018 11:18 AM
To: Salerno, Barry - OSHA
Cc: Ex 7c
Subject: RE: Dynegy Inspection No. 1305368, photos

Hi Barry – Can you send me copies of the compliance officers photos showing the condition of the shaft exceeding greater than half the diameter of the shaft? We can then review for location. I also will ask and see if the site can put some specific locations to the pictures.

Thanks,
Kristin

From: Salerno, Barry - OSHA Ex 7c
Sent: Friday, May 11, 2018 9:27 AM
To: White, Kristin
Subject: RE: Dynegy Inspection No. 1305368, photos

Hi Kristin,

I have had the opportunity to review the photos you provided. Unfortunately I am not able to determine the location of the rotating shafts in the photos. Therefore, the photos the compliance office took during the inspection document the condition of the shaft exceeding greater than half the diameter of the shaft. If there are other photos available to show the location of the rotating shafts in the photos you provided that would be very helpful.

Thank you,

Barry

From: White, Kristin Ex 7c
Sent: Thursday, May 10, 2018 2:24 PM
To: Salerno, Barry - OSHA
Cc: Ex 7c
Subject: Dynegy Inspection No. 1305368, photos

Barry – Thank you for your time today. Attached are our photos of the areas referenced in the Citation 1, item 2b. These photos were all the shafts we found in the referenced areas. Based on our measurements, we did not find any where the end exceeded the standard of ½ the diameter of the shaft.

Thanks,
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Subject: RE: Dynegy Inspection No. 1305368, photos

Thanks Barry. I will circulate dial-in information for 2:00 CT on Monday so we can see if we can get this cleared up.

Thanks!
Kristin

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Attachments: 2018 May 11 5B Head ramp side.pdf; 2018 May 11 5B Head Hold Back Clutch 1.pdf; 2018 May 11 5B Head Hold Back Clutch 2.pdf; 2018 May 11 5B Head Hold Back Clutch 3.pdf; 2018 May 11 5B Head stair side .pdf

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Thank you,

Barry

Salerno, Barry - OSHA

From: White, Kristin [Ex 7c]
Sent: Friday, May 11, 2018 3:55 PM
To: Salerno, Barry - OSHA
Cc: [Ex 7c]
Subject: RE: Dynegy Inspection No. 1305368, photos
Attachments: Citation 1 item 2b photos (4810-7360-5733).pptx

Barry – Even though I think we have narrowed down to what the inspector was concerned about, I wanted to get you these photos with the locations labeled.

Thanks,
Kristin

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Kristin R. B. White | Member | **Jackson Kelly PLLC**

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Citation 1 Item 2b Shaft Ends (Caps)



5B Conveyor Tail pulley west side



5B Conveyor Head End West (Ramp side)



5B Conveyor Head End East (Stair side)

Citation 1 Item 2b Shaft Ends (Continued)



Stamnet Feeder Outboard End

Salerno, Barry - OSHA

From: White, Kristin [Ex 7c]
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Subject: Dynegy Inspection No. 1305368, photos

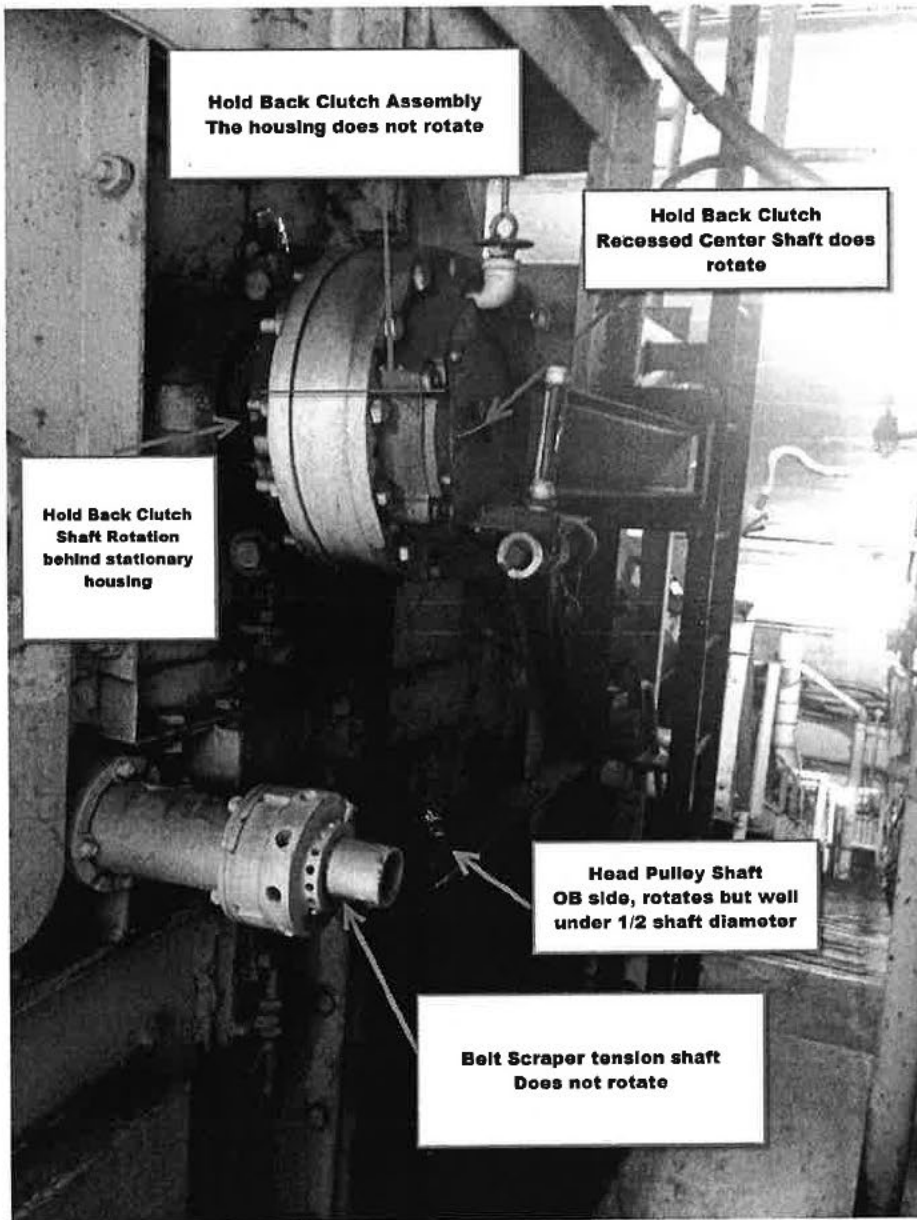
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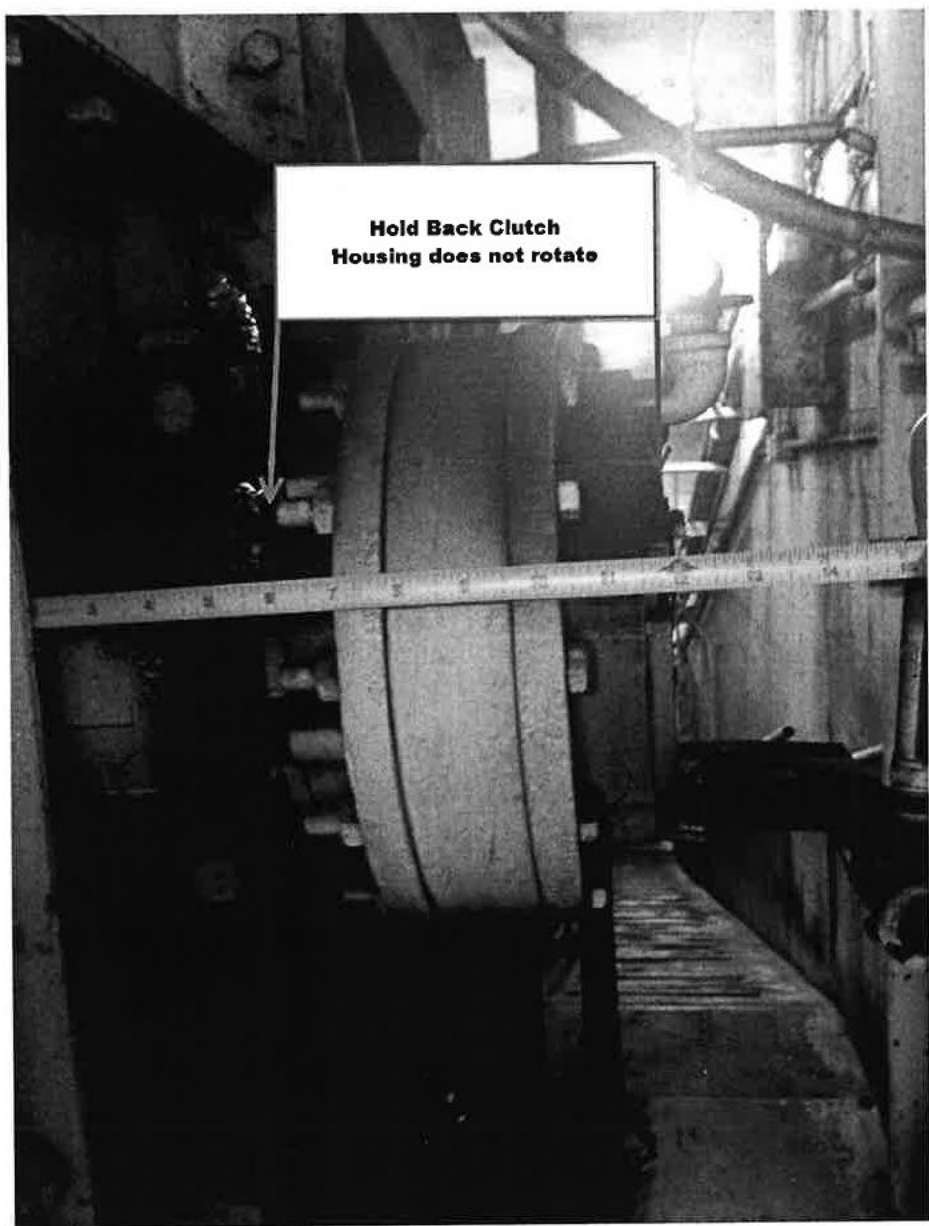
Thanks,
Kristin

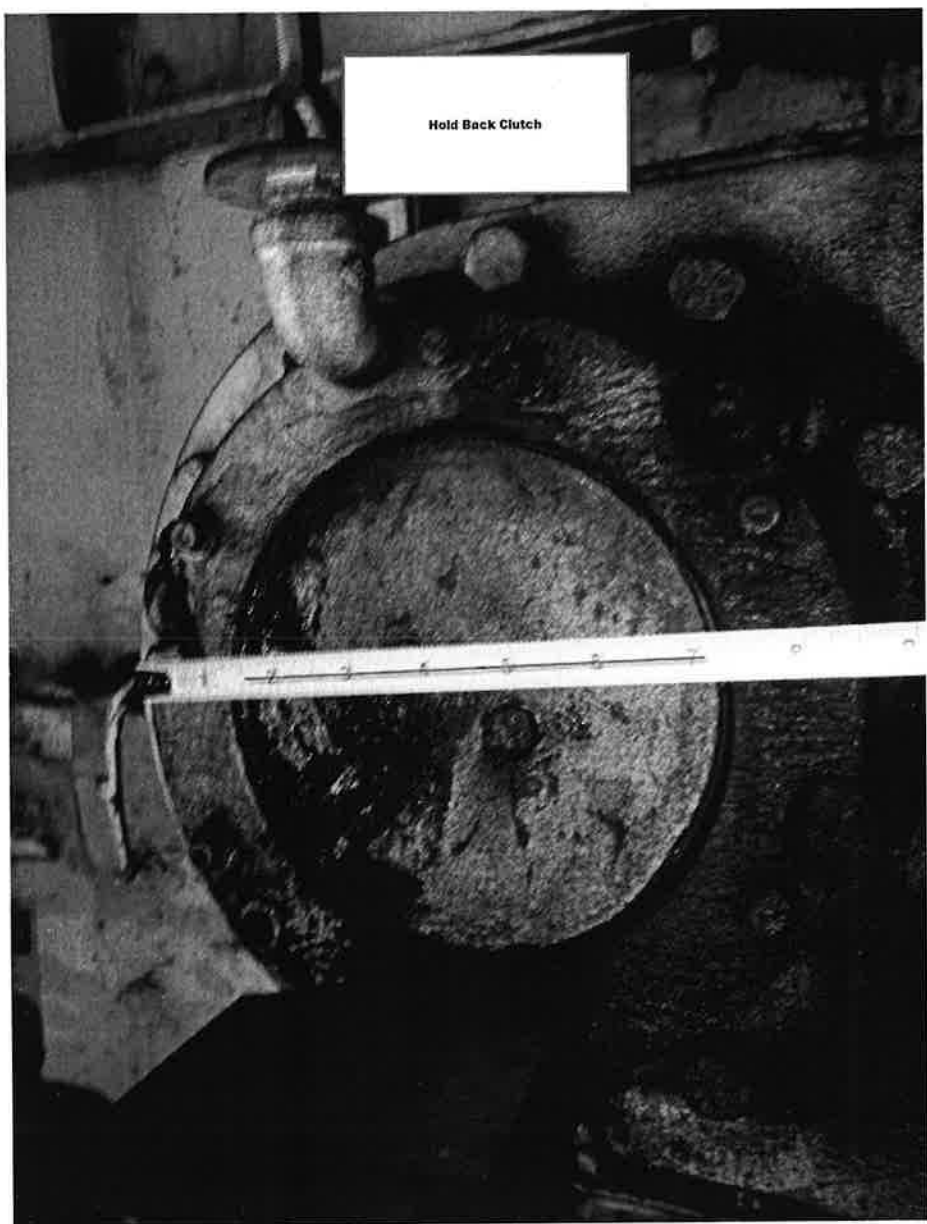
Kristin R. B. White | Member | **Jackson Kelly PLLC**
1099 18th Street, Suite 2150 | Denver, CO 80202 | www.jacksonkelly.com
Office: (303) 390-0006 | Mobile: [Ex 7c] | Fax: (303) 390-0177 | [Ex 7c] | [V-card](#) | [BIO](#)

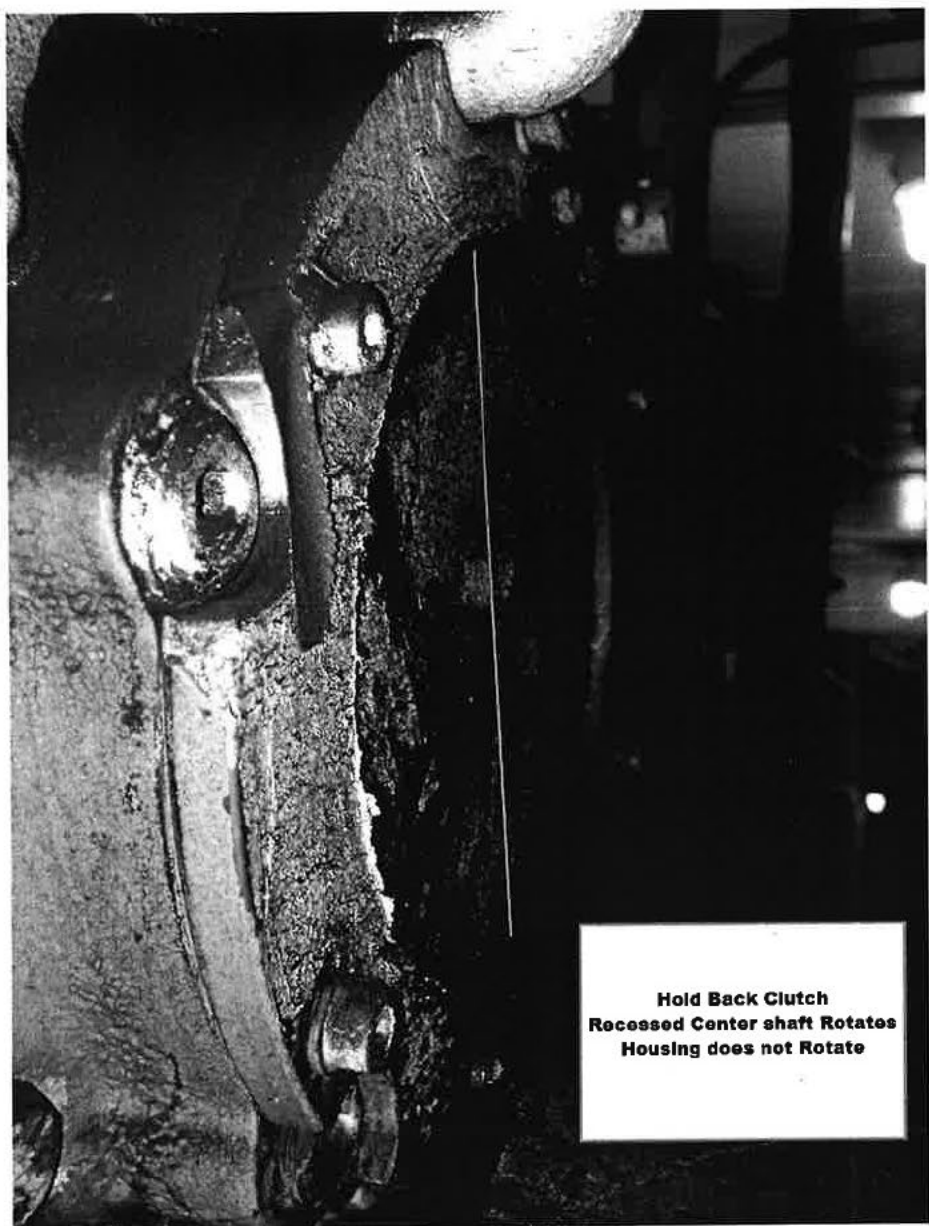


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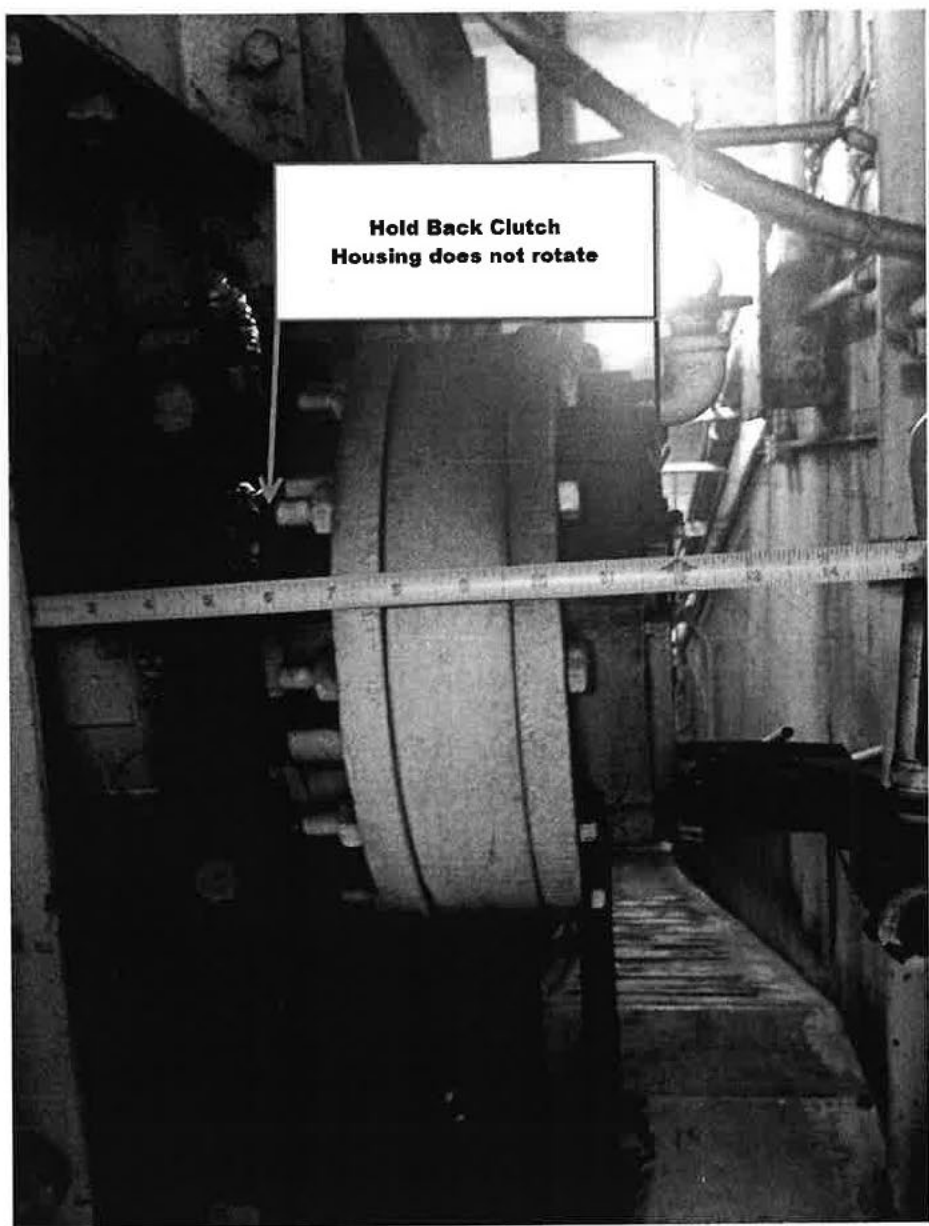








**Hold Back Clutch
Recessed Center shaft Rotates
Housing does not Rotate**





Salerno, Barry - OSHA

From: White, Kristin [Ex 7c]
Sent: Thursday, May 10, 2018 2:24 PM
To: Salerno, Barry - OSHA
Cc: [Ex 7c]
Subject: Dynegy Inspection No. 1305368, photos
Attachments: Citation 1, item 2b photos (4810-7360-5733).pptx

Barry – Thank you for your time today. Attached are our photos of the areas referenced in the Citation 1, item 2b. These photos were all the shafts we found in the referenced areas. Based on our measurements, we did not find any where the end exceeded the standard of ½ the diameter of the shaft.

Thanks,
Kristin

Kristin R. B. White | Member | **Jackson Kelly PLLC**

1099 18th Street, Suite 2150 | Denver, CO 80202 | www.jacksonkelly.com

Office: (303) 390-0006 | Mobile: [Ex 7c] Fax: (303) 390-0177 | [Ex 7c] | [V-card](#) | [BIO](#)



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Citation 1 Item 2b Shaft Ends (Caps)

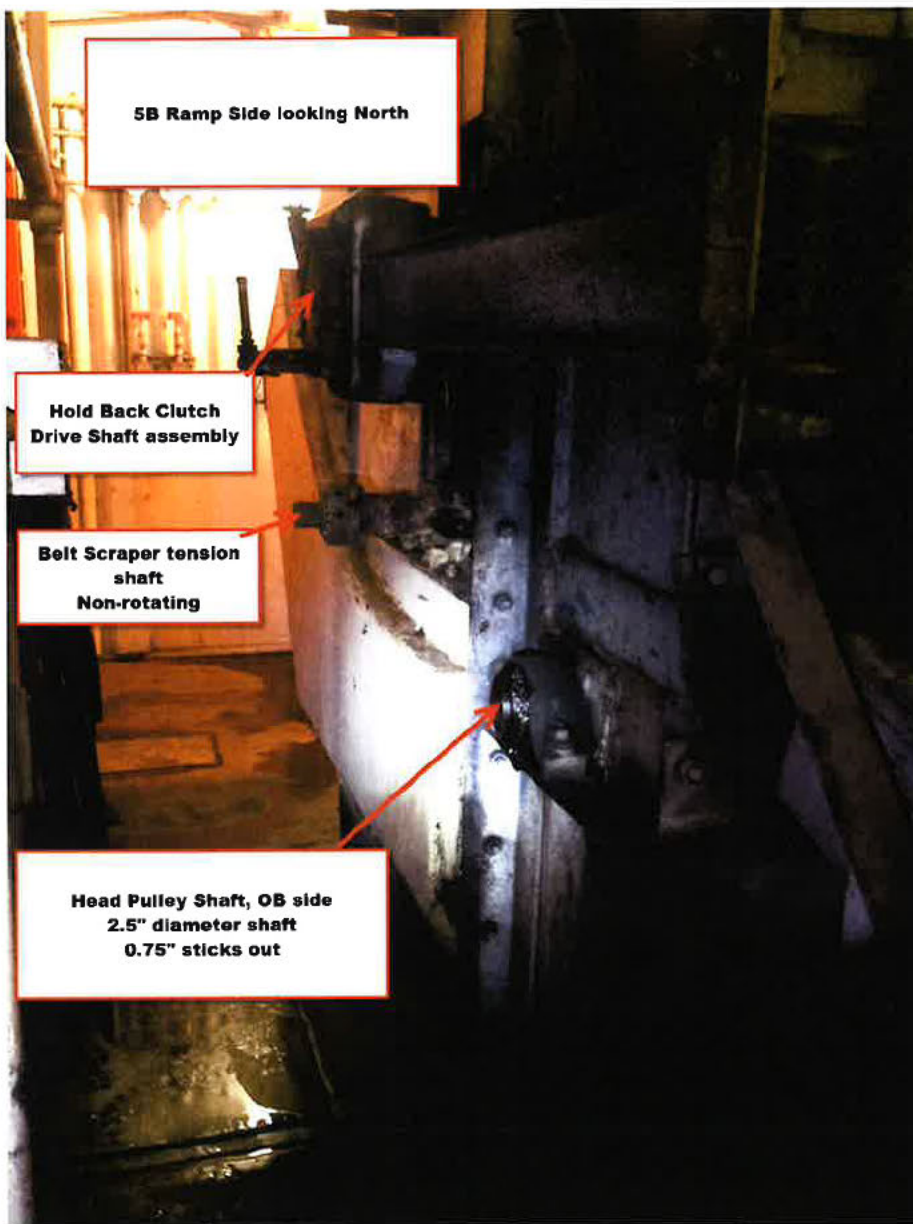


Conveyor Line 5B (ramp Side)
Conveyor Line 5 B (Stair Side)

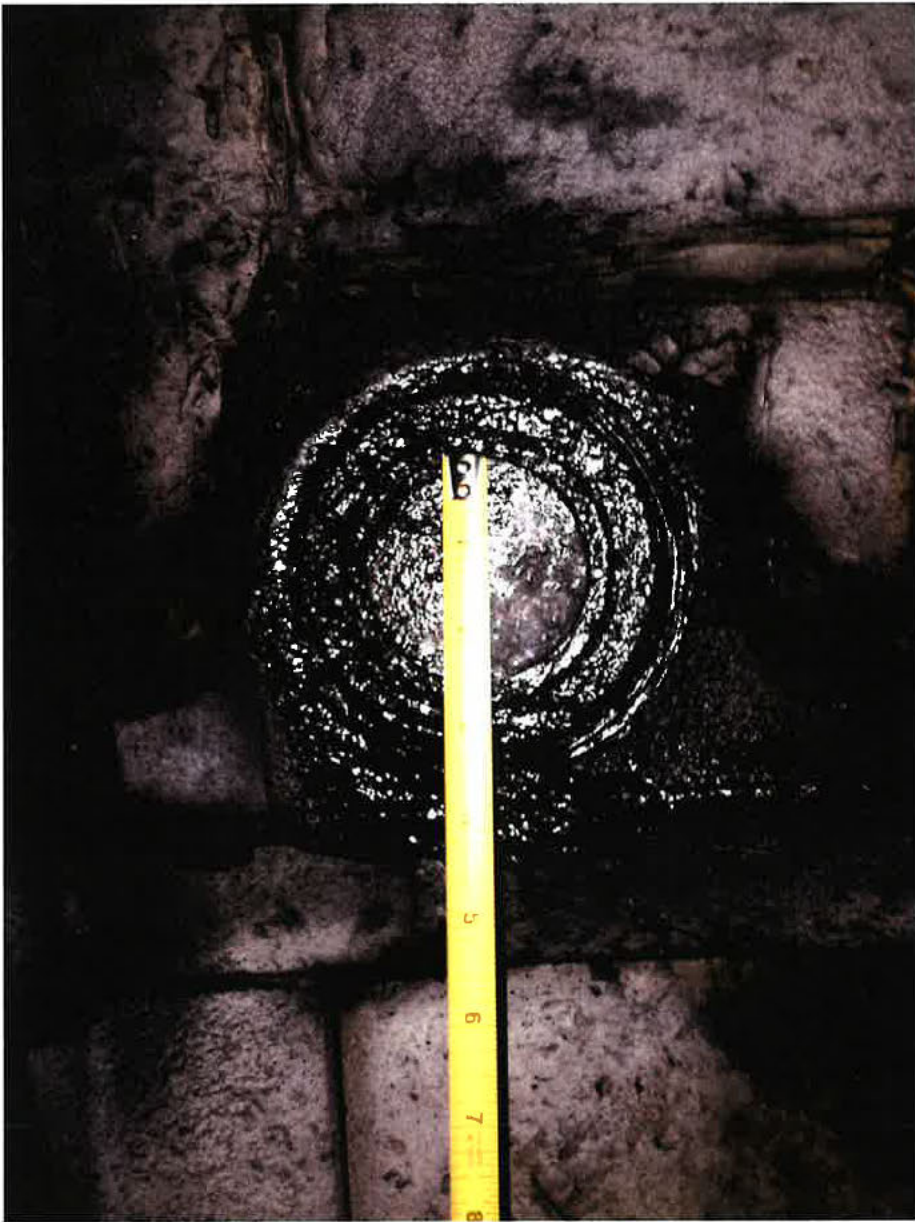


Citation 1 Item 2b Shaft Ends (Continued)









U.S. Department of Labor

Occupational Safety and Health Administration
Peoria Area Office
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615
(309) 589-7033
FAX: (309) 589-7326



May 1, 2018

IBEW, Local 15
Mr. Billy Phillips
6330 Belmont Rd Ste 1
Downs Grove, IL 60516

Re: OSHA Inspection Number 1305368

Mr. Phillips:

This is to notify you that an informal conference has been requested by Dynegy Illinois, Inc. dba Kincaid Generation, LLC, located at 199 Illinois 104, Kincaid, IL 62540, to discuss the inspection and resulting citations issued to them as a result of a recent inspection.

The informal conference is going to be held over the telephone at the Peoria Area Office at 1320 W Commerce Drive, Suite 800, Peoria, IL 61615 on Thursday, May 10, 2018 at 1:00 p.m.

The employees of the company are represented by your bargaining unit. You may, if you wish, participate in this informal conference. Employee representation is welcomed and encouraged. If you wish to attend, please contact this office at 309-589-7033.

We realize that you may not be able to attend the conference for any number of reasons. In such cases, we request your input prior to the conference for our consideration in an attempt to achieve improved safe and healthful working environments through a meaningful informal conference.

Sincerely,


Barry Salerno
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

Peoria Area Office

1320 West Commerce Dr, Suite 800, Peoria, Illinois 61615

Phone: (309) 589-7033 ; Fax: (309) 589-7326



March 15, 2018

IBEW LOCAL 15
6330 Belmont Road, Suite 1
Downers Grove, IL 60516

RE: Dynegy, Illinois, Inc. DBA Kincaid Generation, LLC
OSHA Inspection No. 1305368

Dear Local 15:


Enclosed you will find citations issued to **Dynegy, Illinois, Inc. DBA Kincaid Generation, LLC** for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. If you have any questions about the enclosed citations and penalties, I would welcome further discussion in person or by telephone.

Also enclosed is a letter which has been sent to the employer offering the opportunity for an informal conference. If the employer requests an informal conference, you will be given the opportunity to participate. During the informal conference you may present any evidence or views which you believe should be considered in the settlement of this case.

Under the Act employees have a right to contest the abatement dates assigned. If you have any problem with these dates, please feel free to contact me for an informal conference where this issue or others which you may have can be discussed.

If you desire to have an informal conference to discuss the abatement dates, please keep in mind that a written letter of intent to contest the abatement dates must be submit to the Area Director within 15 working days of receipt of the citation by the employer. The running of this contest period is not interrupted by an informal conference. Therefore, you must take care to schedule the informal conference early enough in the 15-day period to allow time to contest subsequent to the informal conference, should you decide to do so.

Sincerely,


Barry Salerno
Area Director

Enclosure(s)

U.S. Department of Labor Occupational Safety and Health Administration
1320 W Commerce Dr.,
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326



April 18, 2018

Dynegy Illinois, Inc., dba Kincaid Generation, LLC
PO box 260,
Kincaid, IL 62540

Dear Employer,

The recent inspection of your workplace revealed no instances of Repeated, Willful, or Failure-To-Abate violations, nor were there a significant number of High Gravity Serious violations. Additionally, the compliance officer has reported that you have a good understanding of the actions necessary to correct the violations cited, and that you are willing to make those corrections by the date(s) specified in the attached citation. These factors, along with the good faith you have exhibited, make your firm eligible for an Expedited Informal Settlement Agreement (EISA). Under this program, an employer and OSHA can enter into an Informal Settlement Agreement without going through the formal procedure of meeting in the Area Office. However, if you decide to enter into the EISA, you should be aware that you relinquish your right to contest the citations and penalties of this inspection.

The EISA can be used only where the sole issue of dispute is the dollar amount of proposed penalties. If you wish to discuss, change, or object to any other aspect of the inspection or citations -- including abatement dates, validity of violations, classification of violations -- then the EISA cannot be used. Under those circumstances, you may request an Informal Conference with me and/or exercise your contest rights as explained elsewhere.

You should carefully read the enclosed EISA to determine whether the terms of the agreement are acceptable to you. Key elements of the agreement call for OSHA to agree to a 30 percent reduction in the total penalty amount proposed; for the Employer to correct the violations by the abatement date(s) set forth in the citation(s); for the Employer to provide evidence of corrective actions taken and to provide written certification that all items have been abated at the time of final abatement. (The Certification Correction Action Worksheet is attached to the Citation and Notification of Penalty.) Please note that failure to comply with any of the terms set forth in the agreement will cause the penalty to revert to the initially proposed amount.

The signed agreement and a check for the full amount of the reduced penalty must be delivered to the Area Office prior to the expiration of the 15-working day contest period. If mailed, the letter must be postmarked not later than the day that the 15-working day contest period ends.

If you have any questions regarding the EISA, please contact this office at the phone number listed above.

Sincerely,

A handwritten signature in cursive script that reads "Barry Salerno".

Barry Salerno,
Area Director

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned EMPLOYER and the undersigned Occupational Safety and Health Administration, (OSHA), in settlement of the above referenced Citation(s) and Notification(s) of Penalty which were issued on 04/18/2018, hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above referenced citations.
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to the Area Director that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three days in the place the citations were posted as described in paragraph 6 of this AGREEMENT.
4. OSHA agrees that the total penalty is amended to \$15521.10. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initially proposed penalty of \$22173.00.
5. In consideration of the foregoing amendments and/or modifications to the citations, the EMPLOYER hereby waives its right to contest said citations pursuant to Section 10(c) of the Occupational Safety and Health Act of 1970. It is understood and agreed by the Occupational Safety and Health Administration and the EMPLOYER that the citations as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Citations (Citations are required by law to be posted in a prominent place at or near the location of the violations). Citations must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and Federal Holidays, whichever is longer.)
7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Company Official and Title

Barry Salerno,
Area Director

Date Signed

Date Signed

NOTICE TO EMPLOYEES

The law gives you and your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest of the abatement dates of the citations referred to in paragraph 1 of this Settlement Agreement must be mailed to the address below within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of the original citations:

U.S. Department of Labor
Occupational Safety and Health Administration
1320 W Commerce Dr.
Suite 800
Peoria, IL 61615
Phone: 309-589-7033 Fax: 309-589-7326

EXPEDITED INFORMAL SETTLEMENT AGREEMENT CHECKLIST

COMPANY NAME: Dynegy, Inc

Inspection Number: 1305368

YES NO

- ☒ 1. Is this an accident and/or fatality/catastrophe investigation?
- ☒ 2. Does case include Failure-to-Abate, Repeated, or Willful violations, or are there more than two High Gravity Serious violations?
- ☒ 3. Is employer delinquent in any penalty payments owed to our office?
- ☒ 4. Are there any other factors which, in the opinion of the AAD would indicate that the employer (or case) is not a suitable for the EISA program (such as: TOTAL PENALTY LESS THAN \$500, poor history of previous penalty payments, poor cooperation, long term abatement for cited items, lack of a safety and health program, and/or emphasis program hazards are being cited)?

If all answers are "NO", then indicate that the EISA was sent by updating the micro (167I Inspection Record Update) with the following information in *Item 52 (Optional Information)*:
R-02-EISA.

_____ (initial when above action has been taken)

If EISA is signed and returned by the employer, enter **R 01**
XEISA in item 52 of the 167I (update the micro).

_____ (initial when above action has been taken)

Revised 6/25/2010

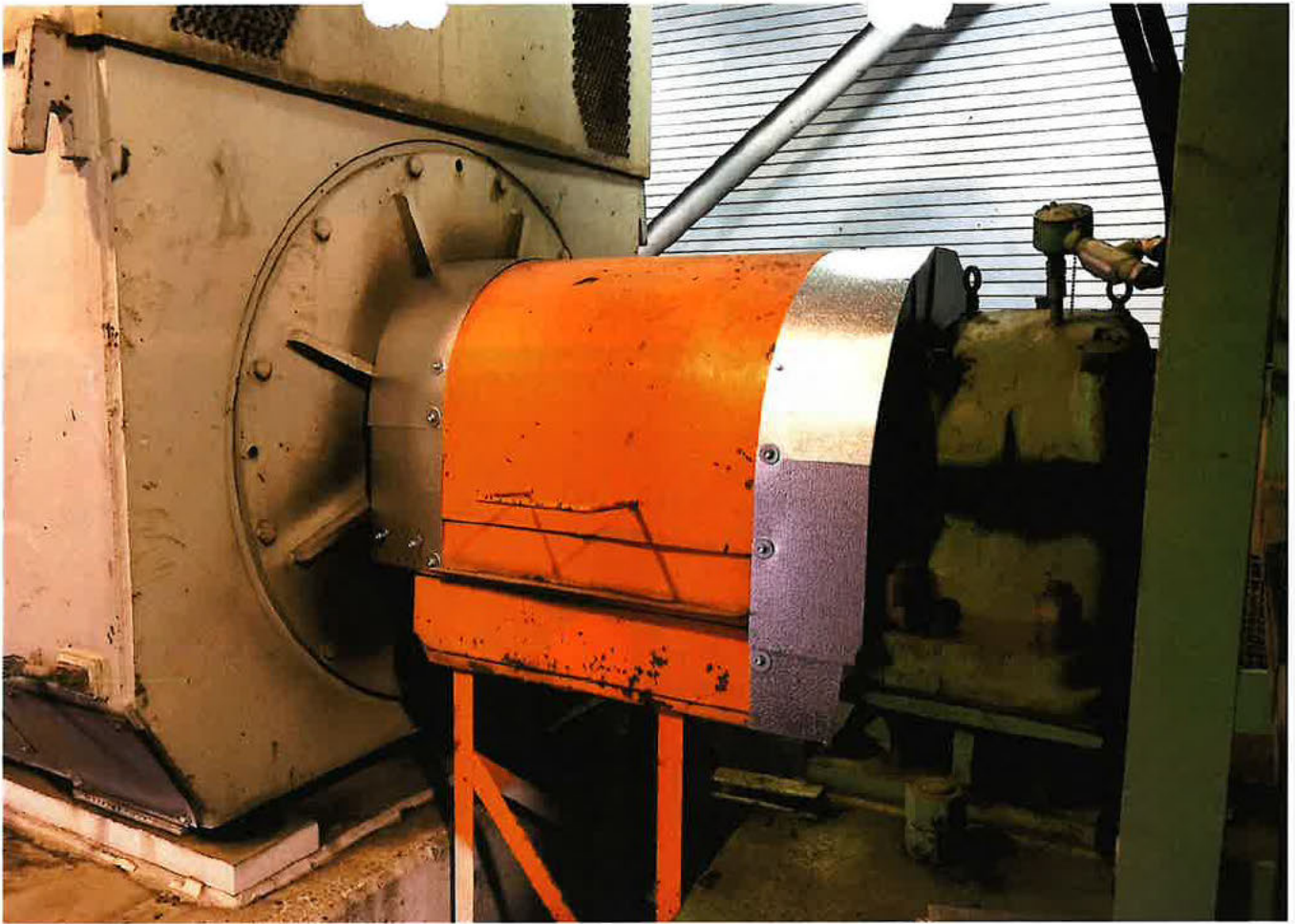
From: Perkins, George [Ex 7c]
Sent: Thursday, April 19, 2018 2:46 PM
To: [Ex 7c] - OSHA
Cc: Klenke, James Q
Subject: Completion Photos
Attachments: Coal Chute.jpg; 5A1 Feeder.jpg; Conditioner1.jpg; Conditioner2.jpg; cyclone.jpg; coal chute2.jpg; Staymet feeder.jpg

[Ex 7c] attached are photos of some of our corrective actions. If you need additional photos or information, please give me a call.

Thank You,

George A. Perkins
Safety
Kincaid Generation LLC
PO Box 260
Kincaid, IL 62540
[Ex 7c]





CRUSHER 1B (West)

Abatement Eff 1, Item 2a letter (b)



D Guarding (shaft ends) SB Feeder 219(C)(4)(i) - C-



From: Perkins, George Ex 7c
Sent: Monday, April 09, 2018 3:04 PM
To: Ex 7c - OSHA
Cc: Klenke, James Q
Subject: Requested Information
Attachments: PRB Coal Dust Collector Explosion 2.wmv; Kincaid Chemical Hazard.pdf

Ex 7c attached is the Hazard information along with a copy of the coal dust explosion video. If you have any questions, please give me a call. Thank you also for your input on improving our programs at Kincaid Station.

George A. Perkins
Safety
Kincaid Generation LLC
PO Box 260
Kincaid, IL 62540
Ex 7c



Annual Hazardous Materials Training 2018

2nd Quarter 2018

Materials needed:

- Managing the Incident book
- Trailer with HM equipment
- Monitoring video
- Monitors
- Hazwoper OSHA standard
- Acids video
- Sulfuric acid and hydrochloric acid MSDS
- PPE
- Absorbent pads

Discuss objectives

Review of five step process for handling Hazardous materials incidents

Write on board:

- Isolate**
- Notify**
- Identify**
- Mitigate**
- Terminate**

Levels of training	Mode of operation allowed
Awareness	Non-intervention
Operations	Defensive
Technician	Offensive

Discuss how 5 step process method applies to mode of operation

Site specific procedures

- Ammonia
- Acids
- Flammables
- Hydrogen

BREAK

Decontamination review- Power point

Terms

- Gross/Emergency Decontamination- Lots of WATER
- Formal/technical decontamination- Standard 3 pool process
- Ambulatory decon- Able to walk/follow commands
- Non-ambulatory decon- Unable to walk/help themselves

Finite decontamination- Small amounts in tight spaces- fingernails
Dry decontamination- wiping off/vacuuming
People decon v.s. stuff decon (tools, equipment, PPE, etc.)
Water/soap and water v.s. chemical solutions

Recommended procedures

Protect yourself
Isolate victim
Remove clothing
LOTS OF WATER
Prevent secondary contamination- don't get the stuff on you

MASS DECONTAMINATION?

Monitoring review

LFL- 10% alarm
O2- low alarm
CO- 30 ppm
H2S- 10 ppm

Monitoring video- MSA passport

LUNCH

Sulfuric acid/hydrochloric MSDS

BREAK

Hazardous Materials Exercise
Review of Trailer

Set up decontamination pools (If time is an issue this can be done during the practical).

PPE

Level A suits-Blue training suits
SCBA
SABA with and without suits-talk about.

Level A suits-Blue training suits
SCBA
Entry records

Over pack scenario at tower
Go over procedures to get in Level-A suit
Instruct students on how to over pack

Have students place barrel in over pack while in suits.

Entry records

END of Class

If schedule is behind then eliminate section on corrosives.

Ex 7c

2nd Q 2018

2nd Quarter 2017 Hazmat

Introduction

Outline of days activities

Sign-in sheets

Plant info from George

Materials Needed -

ICS- 100.b (emailed) – PowerPoint and related materials
(<https://training.fema.gov/is/courseoverview.aspx?code=IS-100.b>)

ICS-200 (emailed) – PowerPoint and related materials
(<https://training.fema.gov/is/courseoverview.aspx?code=IS-200.b>)

Hazmat Trailer

Start with ICS-100b – approx. 3 hour long course. Break as needed

Lunch

Review Hazmat Trailer and contents

Verify sizes

Go over proper donning and doffing of Level A suit

Start ICS- 200 – approx. 3 hour long course. Break as needed

Ex 7c

2016 Kincaid Generating Station Hazmat

Materials – 4 gas meter, Hazmat trailer with all contents, vehicle to pull trailer (if available), ERG books, NIOSH guide, MSDS (in folder), outline and Powerpoints

Time Frame – approx. 6 hours (before lunch); may vary depending on weather and group activity

5 step process of Hazardous Materials response

1. Isolate
2. Identify
3. Notify
4. Mitigate
5. Terminate

- 1st three steps are usually accomplished together; information obtained from identification will help determine isolation needs and notifications made.

Isolate:

Keep problem from getting bigger

Close doors/compartments

Get self and others out of immediate area – contaminated individuals will require decon

Prevent others from entering the area

Any immediate solutions: close valves, rotate/upright container, emergency stop button/valve – that can be accomplished outside of hazard area or without contamination

How far to isolate/evacuate?

- depends on extent and severity of hazard; unprotected personnel must stay out of IDLH
- use ERG, MSDS, monitoring equipment to determine IDLH environment (4 or 5 gas meters, pH paper)
- gases will generally require greater evacuation area than solids or liquids

Identify:

Immediate knowledge of product

Knowing common products used

Placards/labels (refer to ERG powerpoint and books for hazard classes and examples)

Shipping papers/MSDS (refer to sample copies; have students practice finding different pieces of information on particular sheets)

ERG (books and powerpoint)

NIOSH guide (book and PDF file)

Senses (sight, hearing; smell generally means you are in contaminated area)

Why identify? Hazards faced, protective equipment needed, level of evacuation/isolation, methods for mitigation and decon

What do you want to know about the material?

- name
- physical and chemical properties (vapor density, specific gravity, boiling point, ignition temperature, appearance, reactivity)
- specific hazards (flammability, corrosivity, reactivity, health effects)
- where is it? (outside, basement, near exposures or ignition sources)
- how much is there? (make mention of container types [drums, totes, pressure cylinders, vehicle tanks])
- how big is the leak/spill?
- where is it going? (especially liquid flow and gas plume)

Notify:

Per plant policy

Shift advisor

Need for plant resources: fire brigade, BUG, GSEP, firefighting and hazmat equipment, foam

Need for information resources: CHEMTREC, chemical manufacturers (MSDS)

Need for resources beyond the plant: 911/fire department, MABAS resources (mass decon truck, mass ventilation unit) EMS, police, EPA, dept. of nuclear energy, FEMA, FBI (make mention of gas plumes that go off plant property; outlying communities need to know)

Needed to allow the rest of the process to proceed safely and efficiently

Mitigate:

DECON MUST BE READY BEFORE ANY ACTIVITY IN THE HOT ZONE

Make the situation better; save life and property

ICS set-up must be in place with minimum of IC, entry leader, decon leader who will also be in suits (refer to powerpoint)

Offensive, defensive, non-intervention

Offensive: plug and patch, close valves, move/upright/overpack container, firefighting/foam application, absorbant, neutralization, washdown

Defensive: dam/dike, establish exclusion zone, firefighting/foam application, prepare and implement decon

Non-intervention: let product burn off or blow away, increase exclusion zone and evacuation, exposure protection

DECON MUST ALWAYS FOLLOW ANY ACTIVITY IN THE HOT ZONE

- in addition to hot zone responders, decon people must decon
- any contaminated victims must receive decon before medical treatment and transport
- refer to decon powerpoint

Terminate:

Once hazard is taken care of, must ensure continued safety of personnel and property

DECON OF PERSONNEL, EQUIPMENT, AND AFFECTED AREA (part of mitigation, ensured for termination)

Isolation of affected area (as needed)

Notification of clean-up company if caused by a shipper (spiller pays clean-up cost)

Changes needed for return to normal operations

Medical attention for victims and responders

Completion of paperwork (ICS forms, OSHA reports, EPA documentation)

Continued communication with appropriate agencies within and outside of the plant

Hands-on scenario: Allow at least 1 ½ hours for this

Report of white fog and acrid odor from chemical building; appears liquid leak from a pipe (use small round vertical column near old acid tank)

Weather: 50 degrees, 50% humidity, wind out of the North at 10

Implement fire brigade hazmat response

Get hazmat trailer, tow as needed to cold zone area and establish command area/staging/decon corridor (tower classroom as dressing/staging area)

Have IC begin 5 step process and give assignments

- review sulfuric acid properties – use MSDS/ERG
- use level A suits, assure tool kits/plug and patch kits ready

Assure decon set-up; where is the drain?

Review dressing procedure with responders as needed

Go into chemical building and show spot on pipe where liquid is coming from; vapor is from liquid acid hitting wet area on floor

Any victims down in the area?

In suits, responders will apply pipe patch with hose clamp and sealing gasket

Return, decon, and doff suits

Return materials to service

Debrief

Ex 7c

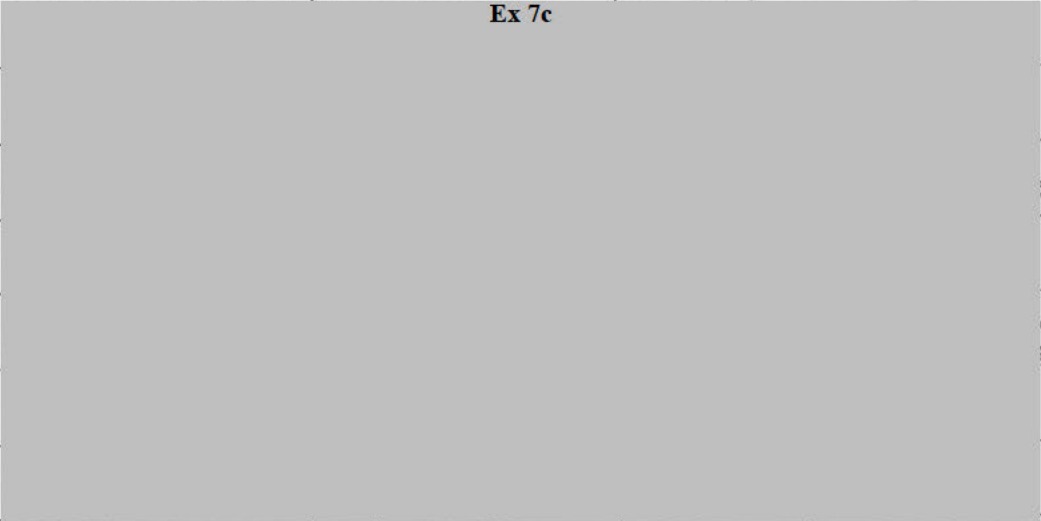
KINCAID TRAINING ROSTER

DATE	4/18/17	INSTRUCTOR	PRICE/HOFFMAN
COURSE TITLE	FIRE BRIGADE TRAINING		
COURSE DESCRIPTION	ANNUAL HAZ MAT TRAINING		

	LAST NAME	FIRST NAME	SIGNATURE	DATE
1	Ex 7c			4/18/17
2				4-18-17
3				4/18/17
4				4-18-17
5				4-18-17
6				4-18-17
7				4-18-17
8				4-18-17
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KINCAID TRAINING ROSTER

DATE	5/2/17	INSTRUCTOR	FAULKNER/PRICE
COURSE TITLE	FIRE BRIGADE TRAINING		
COURSE DESCRIPTION	ANNUAL HAZ MAT TRAINING		

	LAST NAME	FIRST NAME	SIGNATURE	DATE
1	<div>Ex 7c</div> 			5-2-17
2				5/2/17
3				5-2-17
4				5-2-17
5				5-2-17
6				5-2-17
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KINCAID TRAINING ROSTER

DATE	4/25/17	INSTRUCTOR	WOOD / FAULKNER
COURSE TITLE	FIRE BRIGADE TRAINING		
COURSE DESCRIPTION	ANNUAL HAZ MAT TRAINING		

	LAST NAME	FIRST NAME Ex 7c	SIGNATURE	DATE
1				4/25
2				4/25
3				4/25
4				4-25
5				4/25
6				4/25
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KINCAID TRAINING ROSTER

DATE	4/11/17	INSTRUCTOR	
COURSE TITLE	FIRE BRIGADE TRAINING		
COURSE DESCRIPTION	ANNUAL HAZ MAT TRAINING		

	LAST NAME	FIRST NAME	SIGNATURE	DATE
1	Ex 7c			4/11/17
2				4-11-17
3				4-11-17
4				4.11.17
5				4-11-17
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KINCAID TRAINING ROSTER

DATE	4/4/17	INSTRUCTOR	HOFFMAN/WOOD
COURSE TITLE	FIRE BRIGADE TRAINING		
COURSE DESCRIPTION	2 nd QUARTER 2017		

	LAST NAME	FIRST NAME	SIGNATURE	DATE
1	Ex 7c			4/4/17
2				4-4-17
3				4-4-17
4				4-4-17
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**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	Hazard Communication Slides									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	3									
INFORMATION										

EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
2b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
5	Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.
6	This exclusion is intended to exclude from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
7a	Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
7c	The identification of a confidential source or confidential information furnished by a confidential source.
7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.

From: Klenke, James Q [Ex 7c]
Sent: Wednesday, April 04, 2018 2:17 PM
To: [Ex 7c] - OSHA; Perkins, George
Subject: RE: Information Provided - OSHA Inspection 1305368

Thanks [Ex 7c] we will review the information provided.

Thanks
James Q. Klenke

Managing Director :: Dynegy :: Kincaid Generation, L.L.C.
4 Miles West of Kincaid on Rte 104 :: PO Box 260 :: Kincaid, IL 62540
Phone: 217.237.0243 :: Cell: [Ex 7c]
Email: [Ex 7c]



From: [Ex 7c]
Sent: Wednesday, April 04, 2018 12:45 PM
To: Perkins, George
Cc: Klenke, James Q
Subject: Information Provided - OSHA Inspection 1305368

EXTERNAL EMAIL

George - thank you for sending the photos and GAP analysis info.

James and George – the standard for conveyors is ASME B20.1. Also, I have attached an OSHA pamphlet titled, *Safeguarding Equipment and Protecting Employees from Amputations*, which discusses emergency stops used on conveyors and provides additional references for conveyors and their related equipment.

Sincerely,
[Ex 7c]

Industrial Hygienist
U.S. Department of Labor – OSHA
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615
Phone: 309-589-7033
Fax: 309-589-7326

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OSHA QuickTakes

From: Ex 7c - OSHA
Sent: Wednesday, April 04, 2018 12:44 PM
To: 'Perkins, George'
Cc: Klenke, James Q
Subject: Information Provided - OSHA Inspection 1305368
Attachments: osha3170.pdf; hazardous_locations2 (1).ppt

George - thank you for sending the photos and GAP analysis info.

James and George – the standard for conveyors is ASME B20.1. Also, I have attached an OSHA pamphlet titled, *Safeguarding Equipment and Protecting Employees from Amputations*, which discusses emergency stops used on conveyors and provides additional references for conveyors and their related equipment.

Sincerely,

Ex 7c

Industrial Hygienist
U.S. Department of Labor – [OSHA](#)
1320 W. Commerce Drive, Suite 800
Peoria, IL 61615
Phone: 309-589-7033
Fax: 309-589-7326

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OSHA QuickTakes

From: Perkins, George
Sent: Wednesday, April 04, 2018 11:19 AM
To: Ex 7c - OSHA
Cc: Klenke, James Q
Subject: Photos and GAP Analysis
Attachments: fix.jpg; fix2.jpg; GAP Analysis Narrative Report Final Draft - 2017.1.11.doc

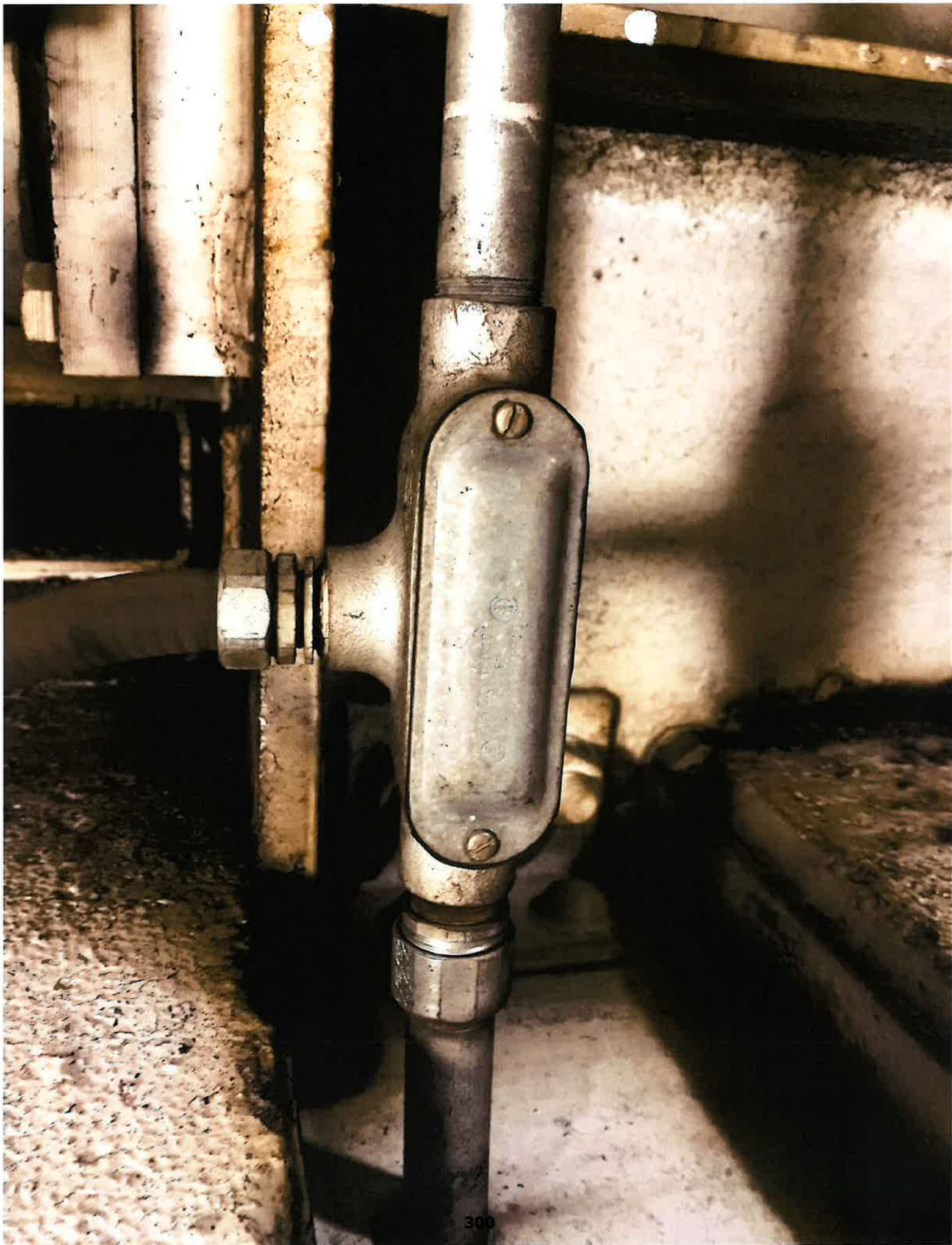
Ex 7c, attached are the photos of the electrical fixes we completed in coal handling. When the guarding modifications are completed, I will forward photos of those to you as well. As requested, I have attached a copy of our GAP Analysis report. If you have any questions, or need additional information, please let me know.

Thanks

George A. Perkins
Safety
Kincaid Generation LLC
PO Box 260
Kincaid, Il. 62540
Ex 7c







From: Perkins, George [Ex 7c]
Sent: Friday, March 30, 2018 1:58 PM
To: [Ex 7c] - OSHA
Cc: Klenke, James Q
Subject: Requested Information
Attachments: PJB kincaid gen1.docx

[Ex 7c] the FEIN# for Kincaid Station is [Ex 4] I have also attached a copy of our prejob brief form, we use these prior to each job. If you would like to see completed forms, I can provide those as well. If you have any questions or need any further information, please give me a call.

Thank You,

George A. Perkins
Safety
Kincaid Generation LLC
PO Box 260
Kincaid, IL 62540
[Ex 7c]



Pre-Job Brief

Shift: 1st 2nd 3rd

Location: ☐ Coal Handling ☐ Boiler Building ☐ Turbine Deck ☐ Waste Water ☐ Water Treating
☐ DSI ☐ Other _____

[illegible]

ISSUE	Initial Briefing		COMMENTS
1. Training, Knowledge, Familiarity with Task	YES	NO	If "NO" list Safety concerns and how they will be avoided.
Have received training on the task/job			
Have performed the task in the last 12 months			
Are knowledgeable in performing the task			
2. Operating Procedures Involved	YES	NO	A "Yes" in Section 2 and following requires a detailed and documented discussion.
Complicated or hazardous work			
Use of permits			
Multiple crafts or interface with contractors			
Use of Operations Procedure			
Potential to impact unit operation (explain)			
Use of 3-way communications/Phonetic Alphabet			Reminder <input type="checkbox"/> Other:
Potential to effect operation of environmental systems			
3. Potential hazards with the job and ways of eliminating or avoiding the hazards. Does the task involve:	YES	NO	
Rotating, moving, or energized equipment			
Fall or overhead hazards			
Chemical exposure			
Heat stress/cold stress			
Any past near misses or accidents involving the task			
Walking Surfaces - any slip/trip hazards			Ice or Snow ?
Combustible dust hazard			
4. Energy Source Controls. Does the task involve:	YES	NO	
4KV Switching			Arc Flash Armed
Working under the protection of energy isolation devices - LOTO			Isolation walk down performed. Use Green Locks
Minor Maintenance			Shift Advisor Permission
Complex, unusual, or infrequent energy isolation			
Work on/near energized electrical equipment			
Grounding			

(Continued)

Pre-Job Brief (Continued)

ISSUE	Initial Briefing		COMMENTS
5. Personal Protective Equipment Requirements Does the task involve:	YES	NO	
Fall protection			
Respirator protection (negative pressure, SCBA, air line, emergency escape)			
Chemical (suits, gloves, goggles, etc.)			
Life vest			
Electrical switch gloves			
Electrical arc flash clothing			
Any other special protective equipment (explain)			
6. Standard Personal Protective Equipment Does the task involve:	YES	NO	
Face or eye protection (other than safety glasses)			
Hand protection - Potential Hand Hazards			Cut, Puncture, Struck by, against, between, Chemical, Heat
Gloves needed? if so, what type			Leather, Cut Resistant, Other -
Fire retardant clothing (all natural)			
7. Special Precautions Does the task involve:	YES	NO	
LIFTING			STRETCH BEFORE LIFTING!
Adverse ambient conditions (i.e., very hot, icy or, cold)			
STAR			
Warning signs or barricades			
Confined Space Entry Permit required			
Rescue contingency plan required			
Equipment operator certifications (i.e., forklift)			
Cutting and burning permit			
8. Special Precautions to be noted Does the task involve:	YES	NO	
MSDS reviewed			
Scaffolding inspection			
Ladder use? What Type?			INSPECT LADDERS BEFORE USE
9. Environmental—Is there a potential to cause an unpermitted discharge to the environment (ground/air/water)?	YES	NO	
Wastewater, service water, cooling water			
Excess stack emissions or fugitive dust emissions			
Petroleum products, chemicals, waste products			

10. Any other safety issues, concerns or suggestions:

11. Miscellaneous items for discussion (list any suggestions on how to improve the process):

12. Post shift briefing—any accidents and/or near misses while performing this job/task?

Other comments:

INITIAL BRIEFING COMPLETED BY: _____

MID-SHIFT BRIEFING COMPLETED BY: _____

POST SHIFT BRIEFING COMPLETED BY: _____

From: Perkins, George [Ex 7c]
Sent: Wednesday, March 28, 2018 3:59 PM
To: [Ex 7c] - OSHA
Cc: Klenke, James Q; Rivera, Jo
Subject: OSHA Logs for Kincaid Station
Attachments: 300OSHA 2018.pdf; Kincaid OSHAform300 2017.pdf; Kincaid 2016 OSHA 300A.Final.pdf; Higgason5192016OSHA301.xlsx; Copy of 2016 Working osha300form1119.xlsx; OSHA 300A.2015.Dynegy.xlsx; EQP.OSHA 300A.2015.xlsx; OSHA Logs 2015.zip

[Ex 7c] attached are the logs for Kincaid Station for years 2015 through 2018. I need to point out that there are two OSHA 300A forms for 2015. This is the year Dynegy acquired Kincaid Station from Equipower so we have a form for our time with Equipower and one for our time with Dynegy. If you have any questions please give me a call.

Thanks

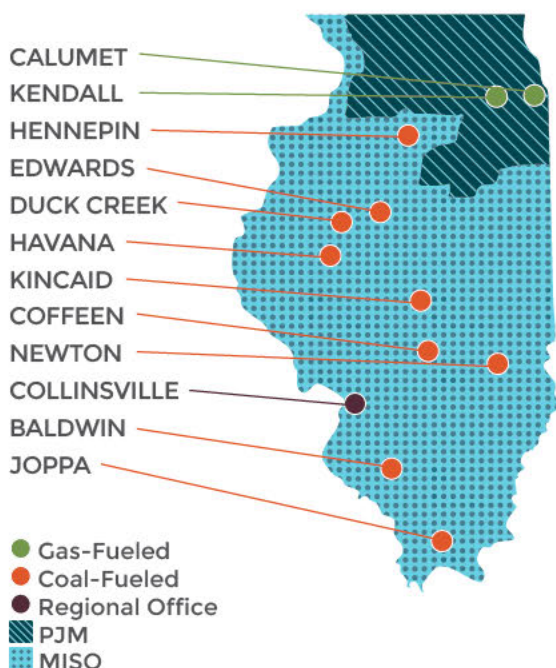
George A. Perkins
Safety
Kincaid Generation LLC
PO Box 260
Kincaid, Il. 62540
[Ex 7c]



DYNEGY IN ILLINOIS



LOCATIONS



ILLINOIS GENERATING CAPACITY

11 Illinois power stations capable of generating more than 8,200 megawatts (MW) of reliable, affordable and local energy, enough to supply seven million Illinois families.

ILLINOIS RETAIL CUSTOMERS

Approximately 870,000 residential customers via municipal, township and county aggregation.

Approximately 20,000 commercial and industrial customer accounts.

ILLINOIS FOOTPRINT

Dynegy powers more than 400 Illinois communities across 80 counties.

FAMILY-SUSTAINING JOBS

Dynegy employs engineers, technicians, service workers, managers and administrative support staff at Illinois power stations and the Collinsville regional office. This includes hardworking men and women from local Illinois unions such as the International Brotherhood of Electrical Workers (IBEW) and Operating Engineers.

Dynegy also supports Illinois coal industry jobs and related positions through the use of the fuel at co-owned Ohio power stations.

GENERATING ACTIVITY IN THE LOCAL ECONOMIES OF ILLINOIS

Dynegy annually delivers more than \$892 million in direct impact to the Illinois economy, with over \$135 million in paychecks to Illinois residents. Other costs of doing business generate an additional \$1.5 billion for the state. Dynegy also supports governments and schools throughout Illinois with state and local tax revenue.

NYSE LISTED: DYN

QUICK FACTS

Dynegy generates more than \$2 BILLION in annual economic activity for Illinois.⁽¹⁾

Direct and Indirect Jobs: More than 9,000 (approximately 1,400 Dynegy employees including approximately 800 union positions)

Household earnings: \$655 million

State tax revenue: \$39 million

Local property taxes: \$22.5 million

GOVERNMENT AFFAIRS:

Dean Ellis | Senior Vice President of Regulatory Affairs | 713.767.0328

Jeff Ferry | Senior Director State Government Affairs | 217.519.4762

John Gomoll | Senior Director of Regulatory and Legislative Affairs | 618.214.7109

MEDIA INQUIRIES:

713.767.5800

MORE INFORMATION:

dynegy.com

powerillinoisjobs.com

homefieldenergy.com

GENERATING ENVIRONMENTAL PROGRESS FOR ILLINOIS

Dynegy's goal is to safely recycle 100% of coal ash for beneficial reuse by 2020. Applications include serving as a substitute for cement in concrete and as a replacement for gypsum in wallboard. This lessens landfill needs, directly offsets CO2 generated by manufacturing these products and reduces the impact on the environment without the help of subsidies.

Dynegy took part in the largest private forestation project developed exclusively to reduce CO2, planting nine million trees on more than 45,000 acres, across eight states in the Mississippi River Valley. It offsets more than 100,000 metric tons of CO2 per year, equivalent to a 60 MW wind farm. Dynegy also gifted 1,100 acres along the Middle Fork Vermilion River to the Illinois Department of Natural Resources and sponsored preservation activities for 1,200 acres of Illinois forests. More than \$2 billion has been spent on environmental control equipment at Dynegy's plants. As a result, emissions have gone down 90% since 1998.

DYNEGY AND HOMEFIELD ENERGY

Dynegy and Homefield Energy serve more than 400 communities across 80 Illinois counties. This includes over 800,000 residential and 30,000 commercial and industrial customers.

Dynegy is a certified retail electricity supplier meeting the needs of Illinois homes and businesses. Dynegy works directly with customers and aggregators, buying groups and consultants to extend a broad offering of electric supply products.

Homefield Energy's main office is in Collinsville. Homefield serves retail customers and powers utilities, municipalities, electric cooperatives and financial institutions on the wholesale market.

LOCAL COMMITMENT

- Illinois Energy Association
- Illinois Manufacturers' Association
- Illinois Competitive Energy Association
- Illinois State Chamber of Commerce
- Peoria Chamber of Commerce
- Pekin Chamber of Commerce
- Southwestern Illinois Employers Association
- Collinsville Chamber of Commerce
- Leadership Council of Southwest Illinois
- Council of Owners and Construction Associates
- Monmouth Chamber of Commerce
- Quincy Area Chamber of Commerce
- Galesburg Area Chamber of Commerce
- Edwardsville/Glen Carbon Area Chamber of Commerce
- RiverBend Growth Association
- Greater Peoria Business Alliance

DYNEGY ILLINOIS GENERATING FACILITIES ⁽²⁾

FACILITY	LOCATION	NET CAPACITY MEGAWATTS	FUEL	TYPE
Baldwin	Baldwin, IL	1,185	Coal	Baseload
Calumet	Chicago, IL	380	Gas	Peaking
Coffeen	Coffeen, IL	915	Coal	Baseload
Duck Creek	Canton, IL	425	Coal	Baseload
Edwards	Bartonville, IL	585	Coal	Baseload
Havana	Havana, IL	434	Coal	Baseload
Hennepin	Hennepin, IL	294	Coal	Baseload
Joppa	Joppa, IL	802/221	Coal/Gas	Baseload/Peaking
Kendall	Minooka, IL	1,288	Gas	Intermediate
Kincaid	Kincaid, IL	1,108	Coal	Baseload
Newton	Jasper County, IL	615	Coal	Baseload
ILLINOIS TOTAL		8,252		
TOTAL DYNEGY COMPANYWIDE		27,624		

1. Economic impact numbers are based on a 2014 study.

2. Coffeen, Duck Creek, Edwards, Joppa and Newton are part of Illinois Power Holdings, LLC

**FREEDOM OF INFORMATION REQUEST
EXEMPTIONS AND EXPLANATIONS**



DESCRIPTION	CSHO Photos									
EXEMP	2	3	4	5	6	7a	7c	7d	7e	7f
NO. OF PAGES	104									
INFORMATION										

EXEMPTION	EXPLANATION
2a	Internal matters of a relatively trivial nature
2b	More substantial internal matters, the disclosure of which would risk circumvention of a legal requirement.
3	Information prohibited from disclosure by another statute.
4	Information that is classified as trade secrets and/or of commercial or financial value obtained from a person and is privileged or a confidential source of information.
5	Inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.
6	This exclusion is intended to exclude from disclosure all personnel and medical files, and all private or personal information contained in other files which, if disclosed to the public would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains.
7a	Information contained in investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.
7c	The identification of a confidential source or confidential information furnished by a confidential source.
7d	Information which could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority which furnished information on a confidential basis
7e	Information that would disclose techniques and procedures for law enforcement investigation or would disclose guidelines for law enforcement investigation if such disclosure could reasonably be expected to risk circumvention of the law.